

THE BRITISH JOURNAL

OF

DELINQUENCY

Vol. III

October, 1952

No. 2

EDITORIAL

We are privileged to publish in this number Mr. Fox's account of the proceedings and conclusions of the United Nations Seminar, Brussels, 1951, with his comments and observations on the significance of the Brussels conclusions for this country. In spite of certain differences, mainly due to the well-known contrast between the Anglo-American and the Continental systems of criminal procedure, the general impression received from Mr. Fox's article is, as he points out, one of unanimity with regard to the leading principles. At the same time, the conclusions still leave, in Mr. Fox's words, 'many questions open to further consideration'. To refer to only one or two of these, the right selection of cases for examination will clearly remain difficult in practice, and the decision will greatly depend on the facilities available. As the Brussels Seminar was not concerned with juveniles, the list of categories suggested for obligatory examination, 'homicide, arson, sex offences, and habitual criminality', may be acceptable, provided it is not in practice treated as exclusive. There will no doubt be criticism of the views expressed at Brussels on the 'communication of expert reports in court'—a subject beset with almost insoluble difficulties. There is not only the question of how to reconcile the right of the defence to obtain full access to potentially relevant material with the legitimate interests of the expert and often of the accused himself. It is not exclusively a conflict of rights—it is also a question of policy. As indicated by the social workers at Brussels, under a system invariably demanding the fullest publicity for every part of their reports the latter are bound to become colourless and unhelpful. There is—as already recognized in the United States—much substance in the plea for differentiation between the stages up to conviction and that following conviction; and greater latitude will inevitably have to be given to experts in the second of these two stages of criminal procedure. On the other hand, social workers will have to realize that the freedom from the

fetters of traditional rules of evidence which they regard as indispensable for an adequate performance of their duties can be granted only if their professional training and qualifications are throughout of the highest standard. In the case of medically trained workers the issue is even more acute, involving as it does considerations of professional discretion. As Mr. Fox writes, all these problems have not been wholly resolved by the Brussels Seminar.

In the final part of Mr. Fox's paper, other important points are raised to which attention might be drawn here: unless sufficient time is given to the prison administration to carry out their examinations of the offender according to Sections 20 and 21, Criminal Justice Act, 1948, these provisions will become a mere gesture. Again, it is, as Mr. Fox points out, absurd that important decisions such as whether a prisoner is suitable for Corrective Training should have to be taken on the strength of hurried and superficial examinations at local prisons, whereas the full scientific study needed for such decisions should have to be made after sentence. Of particular interest is Mr. Fox's consideration that in this country only the establishment of permanent higher courts in the provinces would make the application of the Brussels principles practicable outside London. Such a step would in fact mean nothing less than an adoption of the Continental court system.

* * *

Notwithstanding certain important differences between the English and American prison systems, Dr. Fenton's study of the 'treatability' of prisoners in various types of penal institutions should be of considerable interest to penologists in this country. One wonders what would be the results if a similar investigation were made of a hundred inmates each of three English prisons classifiable, according to Californian terminology, as of close, medium and minimum security? The nearest approach to Dr. Fenton's research would seem to be Dr. Roper's comparison of Wakefield and Dartmoor men (this *Journal*, Vol. I, 1950), but Dr. Roper's material for Dartmoor was very limited, and of the factors examined by him only a few (age, recidivism, and type of offence) were available for both prisons. The most important of Dr. Fenton's findings is the comparatively good educational potentiality even of the men in a maximum security prison. This tends to justify the policy adopted by the Prison Commissioners for Dartmoor which, according to Mr. Fox, 'in spite of its reputation, climate, and buildings provides good facilities for training and education' ('The English Prison and Borstal Systems', 1952, p. 155). There is much food for further thought in Dr. Fenton's remarks on the need for a 'general atmosphere

of adjustment' even in a prison of the maximum security type; for an 'orientation programme' for newcomers; for segregation of the comparatively few untrainables; for 'individual counselling' and for an inmate advisory council, which latter may indicate a strengthening of Osbornian ideas in American prison administration. In his criticism of a system of transferring the more promising elements from maximum security prisons to less restrictive institutions Dr. Fenton puts his finger on one of the most delicate aspects of the idea of classification: staffs of institutions of the more restrictive type may easily find their task too unrewarding if they are deprived of the opportunity to watch the progress of prisoners who respond to their efforts.

* * *

The paper we publish in this issue on the incidence of chronic bed-wetting in cases of delinquency is of more than diagnostic interest; it raises a number of important issues regarding not only research methods in delinquency but the existing state of psychiatric classifications. In recent years, and especially since the investigation of wartime 'evacuation-neuroses', it has been the habit of many child-psychiatrists to regard bed-wetting as an anxiety manifestation of the 'separation' type and to rate it at the same etiological level as a child-neurosis. Some indeed describe it quite simply as a *symptom* of child-neurosis. These were never very satisfactory assessments of a functional disturbance such as bed-wetting, which, in the first instance at any rate, is regarded by most parents, not without some justice, as an anti-social (domestic) habit; and the discovery that it is a common accompaniment of delinquent states makes an exclusively 'neurotic' rating more than dubious. To be sure the clinical classification of pathological delinquencies has led to the isolation of a special group of 'psycho-neurotic' types in which the delinquent behaviour has, for example, followed an obsessional pattern (as in kleptomania). But this does not alter the fact that the vast majority of persons suffering from a psycho-neurosis are more law-abiding than the so-called 'normal' person. The apparent contradiction can to some extent be resolved by regarding bed-wetting as a functional disturbance which may exist in an isolated form or accompany any of the various psychiatric disturbances to which children are subject (psycho-neuroses, pre-psychotic states or perversions of instinct). Such a view would lend support to the theory advanced in an early number of this *Journal*¹ that some forms of delinquent conduct can be regarded as 'psycho-somatic equivalents' due to disturbance in the balance of excitation and

¹ Glover: 'On the Desirability of Isolating a 'Functional' (Psycho-Somatic) Group of Delinquent Disorders,' *Brit. J. Delinq.*, 1950, I, 2.

discharge within the mental apparatus. However that may be, it is clear that before the position of the various delinquent states can be accurately determined the classifications of child-psychiatry must be carefully revised and extended. It is also clear that the study of pathological delinquency promises to render at least as important services to psychiatry as psychiatry has so far rendered the study of delinquency. The delinquent psychopath is in fact the missing link between abnormal and normal psychology.

The paper of Michaels and Steinberg also raises in an acute form the problem of research methods. In recent years the method of team observation controlled by careful statistical techniques has been taken over from sociology and applied widely in the psychological field. And although the strength of team-research may be said to be the strength of its weakest link, there is no doubt that despite this limitation the method can be both appropriate and fruitful. With one reservation however: that it should not lead to neglect of uncontrolled and isolated observations, whether clinical or analytical. Michaels' original observation regarding bed-wetting was of the latter order: and despite the fact that it is now possible to follow this up with the help of team-research and statistical control it should not be forgotten that without the original clinical observation there would be nothing to investigate. Until comparatively recently the word 'bed-wetting' could not be found in the standard psychiatric case-history forms! It has from the first been the policy of this *Journal* to encourage individual clinical observations. And although the results of this policy have so far been distinctly meagre, it should not be thought that the day of the isolated individual observation is over. A great deal of modern psychiatry owes its existence to the individual discoveries of Freud: yet to this day these have not been subjected to adequate statistical control, least of all by psychoanalysts. Perhaps the day of analytical statistics is at hand; but whether or not, the spearheads of research are still to a large degree forged from individual observations. Neglect of this fact taken in conjunction with the absence of adequate psychiatric and social classifications of data is responsible for much waste of research energy. For unless team research operates with new and fruitful clinical concepts it can do little more than corroborate what we already know; and unless the data of psychiatry and of social observation are more thoroughly examined, classified and correlated, we are unlikely to arrive at new and fruitful clinical concepts. It should not be forgotten that although the study of delinquent states is as yet in its infancy, so too is the study of child-psychiatry and of social psychology. In short, successful research depends not only on the selection of a subject and of a suitably trained team but on periodic sharpening of the instruments of investigation.

THE MEDICO-PSYCHOLOGICAL AND SOCIAL EXAMINATION OF DELINQUENTS

By LIONEL W. FOX (LONDON)

(I) CONCLUSIONS OF THE UNITED NATIONS SEMINAR, BRUSSELS, 1951

On December 3, 1951, some hundred highly qualified experts, selected by the governments of eighteen countries of Europe and the Middle East, assembled in Brussels for a course of two weeks' study of all the implications of the title of this paper. This seminar was organized by the Belgian Government on the initiative of the Secretariat of the United Nations, in conjunction with the World Health Organization. The selection of Brussels as the seat of this interesting experiment in international co-ordination of thought enabled the delegates to enjoy exceptional advantages: the generous hospitality of a sympathetic government, a most efficient local organization, the able presidency of Monsieur Paul Cornil, the Secretary-General of the Ministry of Justice, and a practical demonstration of the special interest which has been devoted to this subject in the Belgian penal administration.

Since the subject matter of the study imported considerations relevant alike to medical, psychological and social science, legal principles and practice, and penal administration, each participating country was invited to send a team of five representing the various disciplines and interests concerned, as follows: (1) a professor of criminal law or criminology; (2) an experienced magistrate; (3) a medical psychiatrist; (4) a sociologist or director of a prisoner's after-care association; (5) a director of prisons administration.¹

The delegates were fully informed of the background of the subject by National Reports setting out the position in each participating country under the headings of (1) methods of scientific examination of offenders and of enquiry into their social background; (2) judicial procedure; (3) treatment and rehabilitation of convicted persons. They had also received copies of the papers to be read by experts in the various topics of discussion selected

¹ The United Kingdom team consisted of Dr. Leon Radzinowicz, Director of the Department of Criminal Science, Cambridge University; Mr. Paul Bennett, V.C., Metropolitan Police Magistrate; Dr. H. T. P. Young, former Director of Medical Services, Prison Commission; Mr. F. J. Macrae, Principal Probation Inspector, Home Office; and Mr. L. W. Fox, Chairman of the Prison Commission. Dr. Douglas Inch, Department of Health for Scotland, attended as an observer for Scotland. Further contributions from this country were made by Dr. Denis Carroll, who was a member of the Executive Committee and acted as first rapporteur for the Scientific section, and by Dr. H. Mannheim, Dr. L. Simpson, Dr. D. Hill, who contributed papers for discussion by the sections.

by the Executive Committee. Thus briefed and prepared, they assembled in the council chamber of the Provincial Government building for the formal opening session, and then divided into three sections. Although this sectional organization facilitated discussion, and it was possible to divide the subject-matter into three more or less homogeneous parts, there was inevitably a good deal of overlapping of interests. This was catered for by occasional joint sessions of two sections, and by an exchange of delegates and of questions and answers between one section and another. From time to time there were plenary sessions to hear papers of general interest, and finally the findings of all the sections were discussed in plenary session before being adopted, with or without amendment, as formal resolutions.

The days were diversified by an interesting series of visits to penal establishments displaying different aspects of the notable contribution made by Belgium to penal science, at many of which discussions took place *in situ*.

The reports of the conclusions of each section which follow are taken from the English texts circulated during the proceedings, collated by the writer with the French texts published by the three section secretaries in the *Revue de Droit Pénal et de Criminologie*, March, 1952. They may therefore differ in detail from the texts to be published in due course in the official proceedings.

The Scientific Section

Section I, under the presidency of Dr. E. de Greeff, President of the School of Criminal Sciences, University of Louvain, and Director of the Anthropological Service, Central Prison, Louvain, comprised psychiatrists and other medical men and like-minded professors and specialists. Its first rapporteur was Dr. Denis Carroll of the Portman Clinic, London, President of the International Society of Criminology. Its terms of reference were, broadly, to see what medical science has to offer in this field; to examine the value and utility of different scientific methods and techniques in investigating and explaining the personality and conduct of delinquents; and to consider how best the results of these investigations can be brought to bear in helping the courts to decide on the most appropriate method of treatment and helping the authority charged with applying that treatment to do so in the most effective way.²

² The section heard and discussed the following papers, in addition to certain papers delivered to Section II:

‘The Application of Endocrinology in the Examination of the Adult Offender’ (Dr. L. Simpson).

‘Electroencephalography Applied to the Examination of the Adult Offender’ (Dr. D. Hill).

* ‘Narco-analysis and Narco-diagnosis’ (Dr. G. Heuyer, France).

* ‘Categories of Offenders Requiring a Medical Psychological and Social Examination’ (Prof. R. Grassberger, Austria).

Space does not permit a summary of the discussions, though some of the more important points will be touched on when we come to consider the findings of the seminar as a whole. It must suffice to set down the main conclusions of the section.

SUMMARY OF CONCLUSIONS OF SECTION I

There are four main types of examination: biological, social, psychological and psychiatric. By the examination of an offender is meant the application of one or more of these methods by a person or persons having expert training in their use.

The general aim of examination is to provide the judge with data that will help him (i) to determine responsibility in so far as the methods used can shed light on this legal issue; (ii) to give full weight both to the more obvious motives behind the crime and to those hidden in the mind of the offender; (iii) to determine the most appropriate sentence and to appreciate the medical, social and psychological issues affecting all therapeutic measures influenced by his decision.

Specific problems regarding which scientific examination can be helpful include: (i) determination of fitness to plead and degree of criminal responsibility; (ii) diagnosis of mental disease, mental defect, and mental pathology; (iii) assessment of unconscious mental factors; (iv) delineation of the personality; (v) recognition and assessment of behaviour characteristics and their determinants; (vi) prognosis and prediction in respect of disease, of criminal or other behaviour, and of response to appropriate forms of treatment; (vii) prescription or initiation of treatment, and estimation of the probable degree of co-operation of the offender; (viii) planning and even initiation of after-care; (ix) research.

The stage of the legal process at which the whole or any part of such an examination is made raises considerable technical difficulties. The problem varies greatly in degree in different countries, but the following general principles apply:

(1) So far as Court decisions are concerned, examination is usually not a very lengthy process. Most offenders can be examined adequately for Court purposes in the time available under the various legal systems.

(2) Some offenders require a very lengthy examination, even before trial or sentence. Elasticity in the legal system is therefore desirable.

(3) The full examination of an offender necessary for a thorough understanding of his personality is in any case a lengthy matter; in most countries it is only completed after sentence.

(4) In general the examination should be commenced as early as possible in the legal procedure.

Biological Examination consists primarily of a general physical examination at which are noted indications for any specialized investigations. The latter may comprise: (i) *Further examination of a particular bodily system* by a specialist,

‘Some aspects of the Psychiatric Interview and its Technique’ (Dr. D. Carroll).

‘Psychological Methods of Examination’ (Dr. F. Grewel, Holland).

*‘Use of Scientific Examination for Liberation and After-care’ (Dr. E. Lamers, Holland).

*‘The Sociological Study of the Adult Offender’ (Dr. H. Mannheim).

*‘Scientific Examination and Human Rights’ (Mr. Laugier, France).

* Given in plenary session.

e.g., a neurologist, gynæcologist, etc. (ii) *X-ray examinations*. (iii) *Special pathological investigations*, e.g., by hæmatological and serological techniques. (iv) *Examination of the endocrine system*. Clinical examination to be the principal method, special training for forensic doctors to be provided if required. Laboratory techniques are too elaborate for general use. (v) *Examination by electro-encephalogram (E.E.G.)*. This provides a new method of recognising effects of old injuries or diseases of the brain or the presence of epilepsy. Positive findings are more important than negative ones. It is an adjunct to, and not a substitute for other methods of examination. (vi) *Anthropometric measurements*. In countries where these are made as a routine practice, data should be collected systematically for research purposes. Anthropometry does not replace psychological and psychiatric investigation where issues of mental diagnosis or personality delineation are involved. It has a definite place in scientific examination, though it is not essential.

Psychological Examination consists of techniques for measuring mental faculties and delineating some personality traits. The Section agreed on methods, interpretation of results and their general applicability; also on the type of personnel qualified to use tests.

Note. (i) In general a test battery, rather than one test, is required.

(ii) The cultural background and socio-economic state of the individual tested must be taken into consideration.

Psychiatric Examination. In the past this has been too much concerned with questions of insanity, fitness to plead and criminal responsibility; it must in the future have a wider scope. Psychiatrists while not in any way replacing the judge or penal administrator, can inform the latter regarding facets of the offender's personality and aspects of his conduct that cannot be otherwise recognized. Insight into subjective reactions on the part of both judge and psychiatrist is of paramount importance.

Facilities for Examinations. Facilities within prisons should be as full as possible. Central and regional organizations are useful for the provision of special detailed techniques of examination. They make it possible to obtain sufficiently expert staff and facilities for this purpose. Nevertheless from a scientific point of view much of what is needed can be provided at local clinics and hospitals.

Social Examination. The Social Case Worker should be used to ascertain the social facts, to assist in interpreting the social data and for therapeutic purposes. He can aid the Court to select cases for further scientific examination, especially when he collaborates with the medical officer. He should not be arbitrarily restricted over the scope of his enquiries within the social field, nor should he seek to direct the work of other experts he may consult. He should be carefully selected and professionally trained, ideally by a long university type of course in which social science and casework play the leading part, psychology and psychiatry a minor one. The issue of his status as an expert witness should be considered.

Team Work. The scientific section does not think in terms of rigidly standardized teams. For many offenders only the ordinary medical officer and social case worker are required. A full team would of necessity include: a psychiatrist, a physician, a psychologist and a social case worker. Such a team is usually most satisfactorily co-ordinated by the psychiatrist so far as scientific examinations and treatment are concerned; but the actual scope of the examination in each case

will affect this issue. The co-ordinator should be specially trained in the criminological and forensic application of such examinations. With suitable techniques a single expert can be objective enough to do what is necessary. If several different kinds of expert are involved in conducting an examination on behalf of the Court or Administration, one of them should make a synthesis of the conclusions which should be agreed to by the experts in question, at least in so far as the account of their own examination is concerned.

Validity. It is agreed that while it is necessary for the experts to be on guard against subjective factors which can affect their examination and conclusions, technical safeguards exist to make it possible for their reports to be sufficiently objective. The more thorough the examination the greater its value; but validity is not merely a matter of length of examination, but also of technique and technicians. Proper techniques can enable the examiner to indicate the probable accuracy of his examination. Many technical devices exist to avoid the danger of subjectivity and to detect malingering.

Continuity of Scientific Observation. It is desirable whenever practicable to continue observation and treatment by the same experts at all stages of the legal process down to after-care. Basic scientific data should be made available between the experts concerned. The medical and psychiatric reports should be available to the medical officers of the administration. The medical and psychiatric reports should be at the disposal of the probation officer so far as their conclusions are concerned and these should include a statement of the conclusions drawn from the examination as to appropriate ways in which the probation officer can handle the case in all relevant aspects. The issue of professional secrecy arises over intimate details.

While the expert should not in any way usurp the function of the judge, it is not desirable that the judge should seek to limit the extent of the examination which the expert considers essential to enable him to form a valid opinion. The Court should order the examination and indicate its nature, *i.e.*, whether social, medical or psychiatric. The purpose of the examination having been stated, the expert must be allowed to carry it out as he thinks best. He may neither be restricted in the use of his techniques, nor be compelled to use a special one. Periodic re-examination is desirable, especially where review of sentence and treatment is in question. In particular, it is necessary shortly before release from long imprisonment.

Training. A high level of expert skill is essential. Training must include the application of each expertise to forensic purposes.

Rights. While it is necessary, in order to avoid abuse and to protect human rights, that the general conditions governing the application of such examinations to the offender should be governed by law and by regulations made under the law, it would be both impracticable and scientifically undesirable to make rigid legal rules governing more than this. Examination by experts should not be used by them to *extort* confessions for judicial purposes. Provided the offender's free consent (and, before sentence, that of his defending lawyer), is obtained, it is not desirable arbitrarily to limit the specific techniques of examination which any given expert may wish to use. It is considered that any form of coercion or deception should be prohibited. Before trial or sentence, the offender should have full right to be represented by a legal adviser so far as the scientific examination

may affect his legal position or his rights. The section understands the necessity of respecting national legal systems. It stresses the fact that it is desirable that the Court should have and should use discretion over disclosing, to the offender or to his friends, or relatives, or to the general public, details of the examination where such disclosure might be harmful to him or to others.

The Judicial Section

Section II, under the presidency of Mr. A. Aulie, Attorney-General of Norway, comprised the judicial delegates, professors of criminal law, and others whose special interest led them to this section. Its first rapporteur was Mr. F. Clerc, Professor of Penal Law, University of Neuchatel, Switzerland. Its duty was to ascertain the general opinion of judges and lawyers on the value and purpose of utilizing this type of examination of delinquents in criminal procedure, and to consider what should be its place in the procedure of trial and judgement.³

The work of this section was, as is usual in international discussion in this field, complicated by the differences between Continental and Anglo-Saxon legal systems and procedures. In particular, much time was spent on the question of the stage of the trial procedure at which the examination should take place, in view of the fact that Continental systems do not recognize, as does the Anglo-Saxon system, the division of the judgement into two parts—the finding on guilt and the decision on sentence. The section was impressed by the advantages which the Anglo-Saxon system offers for the utilization of examinations of this type.

CONCLUSIONS OF SECTION II

Principles. The administration of justice requires the fullest possible knowledge of the offender. In practice, the present rules of procedure do not always give the judge the means of arriving at a complete picture of the offender's personality. The best method is a scientific examination which allows the judge to gauge the offender's personality from the results of the medical examination (physical condition), psychological examination (the offender's inner self), psychiatric examination (mental condition) and social examination (behaviour in society and environment). This type of examination thus has a greater scope than the psychiatric examination. Above all, the examination will prove useful in order to

³ The section heard and discussed the following papers, in addition to those given in plenary session:

'Should the Examination of Offenders take place before or after Judgment?' *(Dr. E. de Greeff, Belgium).

'Decision to Examine the Offender. Use of the Data Obtained' *(Prof. F. Clerc, Switzerland).

'Scientific Examination and Social Readjustment' (Rev. Fr. Vernet, France).

'When should the Examinations take place, and how to Use their Results in Court' (Judge M. Ancel, France).

'Technique of Social Investigation' *(Mrs. L. de Bray, Belgium).

*Also heard by Section I.

determine the *treatment*. Some modern legislations, having a subjective tendency, may also have recourse to this method in order to establish the motives and other personal circumstances. The judicial authority is bound to order the examination, whenever it appears to be useful. It lays down the limits of this measure according to the information required by it. In particular this examination is indicated in cases of homicide or arson, sexual offences, or habitual delinquency. If the administrative authority orders an examination, it should inform the judge.

Application of the Principles. Different problems arise out of the introduction of a scientific examination, according to whether the procedure allows a cleavage or not between the decision as to the facts and the determination of the penalty. In those systems which admit this cleavage, examination is normally made after a decision has been reached on the facts of the case. But in those systems which do not accept this cleavage, the examination is inevitably carried out at the same time as the inquiry on the facts. There is a tendency towards adopting systems which allow the cleavage of the procedure, because there is no risk of the decision as to the facts of the case being influenced by the results of the examination of the personality of the offender. Nevertheless, where cleavage of the procedure is inadmissible for legitimate reasons, for instance, rules of evidence or judiciary organization, this drawback can be obviated by ensuring that:

(a) Every offender to be examined shall be given a defence counsel.

(b) The sole aim of the examination shall be to inform the judge as to the personality of the offender; it shall not bear any reference to the offence itself. The examining body shall not reveal any confidential information on the facts of the case obtained from a person who has the right to refuse to make a statement to the judge, until such person has communicated such information to the judge.

It is imperative that in all systems:

(a) Examination shall be provided for by legislation.

(b) The law should specify that the examining body must not use any methods which might impair the offender's will-power, or his powers of discrimination, such as ill-treatment, threats, violence, mental strain, deception or hypnosis, even with the offender's consent; the law should also prohibit any means which might impair the offender's faculty of judgement or remembering the facts.

(c) The law should ensure not only that the report of the examining body should be communicated to the defence counsel, but also that the offender should have technical aid during the examination, according to the methods which appear most appropriate to each national system.

(d) That in so far as this measure is not absolutely contrary to constitutional law, the law should make it possible to examine and discuss the report out of the offender's presence.

(e) As far as possible the examination shall be carried out by a panel of experts specialized in different branches, in order that it be completely objective in character.

The Administrative Section

Section III, under the presidency of the present writer, was composed mainly of penal administrators and social workers, including most of the Directors of Prison Administration of Europe. Its first rapporteur was

Mr. J. Pinatel, Inspector of Administration in the Ministry of the Interior, Secretary-General of the International Society of Criminology (France). Its purpose was to consider how the results of these examinations could best be used in carrying out the methods of treatment ordered by the courts and in the social rehabilitation of the offender.⁴ The main question of theoretical dispute in this Section was whether sentences privative of liberty should be of indefinite duration (within a maximum period), the date of release being decided for each individual in accordance with (*inter alia*) the light thrown on his personality and circumstances by scientific examination. On this question, as appears from para. 8 of the Conclusions of the Section, the members had perforce to agree to differ. The social workers presented a strongly concerted case, which was supported by the Scientific Section, for their recognition as 'expert witnesses', and for their work to be subject to the same rules governing 'professional secrecy' as were found to be appropriate for that of medical experts. This arose largely from their objection to their reports being read in public, as appears from para. 10 of the conclusions. This question of professional secrecy assumed prominence in every Section, and a sub-committee was set up to deal with it whose conclusions are appended.

CONCLUSIONS OF SECTION III

The Section decided that the scope of the work of the section should be primarily the application of the results of scientific examination to the treatment of the offender after sentence, whether the sentence was one of treatment in an institution (*e.g.*, a prison) or in controlled freedom (*e.g.*, probation).

The general conclusions reached by the section were as follows:

A. WHERE THE OFFENDER IS SENTENCED TO IMPRISONMENT

(1) The prison administration requires, at least for offenders with a sentence of a certain length, information based on scientific examination to enable it to deal with:

- (a) the classification of the offender;
- (b) the individualization of his treatment;
- (c) his adaptation to the regime of the prison, particularly by helping him to regulate his family and other affairs outside the prison;
- (d) his re-establishment and welfare after liberation.

(2) For these purposes the administration may require a report consisting of some or all of the following elements, viz., an analysis of the criminal record of

⁴ The section heard and discussed the following papers, in addition to those given in plenary session:

'The Medico-Psychological and Social Examination of Delinquents' (Mr. H. Göransson, Sweden).

'Periodical Review of the Treatment Prescribed' (Mr. L. W. Fox).

'When should the Examinations take place and how to Use their Results in Court' (Judge M. Ancel, France).

'Technique of Social Investigation' (Mrs. L. de Bray, Belgium).

the offender; a social examination; a medical examination; a psychological examination which should include educational and vocational tests; a psychiatric examination.

(3) To secure continuity, and avoid doing the same work twice, any report made to the Court before sentence should be placed at the disposal of the administration.

(4) The administration itself should be equipped with suitable establishments and expert staffs to enable it to make complete examinations of offenders as described in para. 2 above. This should preferably be done in special centres, but at least in all prisons where prisoners serve long sentences there should be certain experts to enable continuity of observation and treatment.

B. WHERE THE OFFENDER IS PLACED ON PROBATION

(5) Any medical or psychiatric reports made before sentence should be placed at the disposal of the probation officer.

(6) It should be possible for the Court or other competent authority, at the request of the probation officer, to order further examination or to vary the conditions or duration of the period of probation.

C. PERIODICAL CONTROL OF TREATMENT

(7) The section touched on the question of the wholly indeterminate sentence and the separate treatment authority, but decided to limit its discussions to the situation where the treatment is ordered by the same tribunal which decides on guilt, and is subject to a maximum period fixed by the tribunal.

(8) In connection with the periodical review of the length of the treatment there was discussion of the system of conditional discharge after a certain proportion of the sentence had been served. There was agreement that this system was desirable in principle, but different views were expressed as to how it should operate.

One view was that there should be a 'limited indeterminacy' within the maximum period, and that the date of release of each offender should be decided by the competent authority—whether the original tribunal or a special judge or legal tribunal, or an independent board, or the prison administration, or the responsible Ministry.

Another view was that this system was disadvantageous to the programme of treatment of the offender and to his adaptation to prison life, and that it was better to have a period fixed by law or regulation at the end of which all offenders would be conditionally discharged if their date of release had not been delayed as a punishment for misconduct.

In the former case only it would be necessary for the duration of the treatment to be reviewed periodically by the competent authority.

(9) The section agreed that the nature and methods of treatment of persons sentenced to imprisonment should be left in the hands of the prison administration who were responsible for its execution and should keep the offender under constant observation to ensure that the treatment was modified as necessary.

Provided that this general principle should not prevent the participation of a judge in the carrying out of the treatment.

D. COMMUNICATION OF EXPERT REPORTS IN COURT

(10) The section discussed the question of the communication to the defence, and particularly of the public discussion in Court, of the expert reports. It was agreed that so long as the Court was concerned with questions of guilt and criminal responsibility, any material which would be used by the Court must be communicated to the defence. But the situation was different when the decision as to guilt had been made and the Court was deciding only the question of treatment. The social workers of the section were unanimously of opinion that serious disadvantages would result if the reports they made to the Court were made public, or even if they were communicated to the offender or to his counsel in private. The result of such a system would inevitably be that the Court would not receive a full report, but only a discreet synthesis of the whole. On the other hand, attention was drawn to the legal rights of the defence, and the difficulties which would be encountered in certain legal systems, particularly where the decision of the Court was regarded as one process, and not (as in the Anglo-Saxon system) two processes. The social workers were also of opinion that the social worker, as an expert, must be regarded as free to place before the Court only such material as he considers necessary and pertinent to the case, in the same way as the doctor and the psychiatrist. The conclusion of the section was that all the expert reports should contain all the information necessary to enable the Court to decide the treatment of the offender in full knowledge of all relevant considerations. Such reports must necessarily contain matter which should not be revealed in public, and possibly also matter which should not be revealed to the offender, because it would cause him or his family some personal distress or even prejudice the success of his treatment.

There were many ways in which this difficulty might be overcome, according to different national traditions and different legal procedures, and the section did not wish to suggest any particular form of procedure. All that was necessary was to take steps to ensure that only so much of the reports was made public as was necessary to protect the legitimate interests of the offender.

E. SUGGESTIONS ON PRINCIPLES AND PROCEDURE

The following suggestions were approved by the section:

I. *Basic Principles*

(1) The medical, psychological and social examination must be the keystone of the treatment of adult delinquents. Consequently it must enable the authority

(a) to decide the nature of the treatment;

(b) to fix its essential methods, particularly as regards the selection of appropriate institutions;

(c) to fix the length of the treatment as a whole as well as that of its successive stages.

(2) The programme fixed in the light of a medical, psychological and social examination must be elastic so that it can always be revised and modified, either on the initiative of the individual or of the service in charge of the treatment or on the initiative of the authority which decides on the treatment and directs its execution.

(3) The aims of the medical, psychological and social examination are wide

enough to require a dual organization able to provide for the complete observation of adult offenders either in freedom or in custody.

II. *Practical Methods of Observation in Freedom*

(1) The organization of observation in freedom implies the existence of a medical social service of the mental clinic type.

(2) This service should be able to provide for the execution of probation measures and after-care, as well as the medical, psychological and social examination of persons on bail.

(3) It would, in fact, be a local organization constituted by already existing institutions (mental health clinics and dispensaries) or by private institutions (social services), as long as these institutions have qualified social workers at their disposal.

III. *Practical Methods of Observation in Custody*

(1) There should be set up for a geographical region of sufficient size an observation centre, which may or may not be physically connected with an existing penitentiary institution, but of which the organization must be independent as in a hospital (distinguishing between the administration and the service).

(2) The staff of the service should be composed of social workers, psychologists, psychotechnicians and teachers, under the authority of a doctor specialized in criminology.

(3) The observation should be derived from closely co-ordinated team-work.

IV. *Central Methods*

(1) The ministerial department responsible for this organization should create training schools to specialize in criminological matters not only its doctors but also its social workers, psychologists, psychotechnicians and teachers.

(2) They should be granted a proper departmental status.

(3) Co-ordination should be assured on both scientific and administrative levels between the institutions in charge of observation in freedom and in custody respectively.

REPORT ON PROFESSIONAL SECRECY

I. When the examination is carried out by an expert nominated by the court or police:

A. (1) The question of ascertaining whether the accused has committed the crime or not is not within the competence of the doctor.

(2) The doctor should not concern himself with the crime in so far as it is a breach of the law, but only in so far as it will help him to establish his diagnosis of the personality of the offender.

(3) However, when confessions are made to the doctor they should, in principle, be covered by professional secrecy.

(4) It would be beyond the competence of the judge to ask the doctor either

to examine into or to make a declaration as to whether or not the accused has committed the crime.

B. In his statement about the personality and conduct of the offender the doctor should give all information which he has used in drawing up his diagnosis, and in this context he is not bound by the normal rules of professional secrecy.⁵ The attention of the accused should be called to this fact from the beginning of the observation.

C. (1) Information obtained from other persons should not be specifically mentioned except where it is of major importance for the diagnosis.

(2) If information of this nature is given confidentially by people who have the right to refuse it to the court, their statement should not be revealed without their consent.

II. When the examination is made by an expert nominated by the defence: All the ordinary rules of professional secrecy are applicable.

III. In a medical examination after judgement: The emphasis is generally placed on treatment, and the fundamental principle so far as concerns the question of professional secrecy is then to safeguard the treatment situation which normally necessitates the maintenance of its confidential character.

IV. The problems arising from professional secrecy in connection with an expert social inquiry have not been examined, but it seems that they should be resolved in a manner consistent with the principles heretofore stated.

Some little time before the Brussels seminar the preparatory session of the International Society of Social Defence, meeting in San Marino, had quite independently devoted much of its time to discussion of similar themes. The membership, which was largely academic and judicial in composition, arrived at certain conclusions closely relevant to those of Brussels.⁶

(II) CONSIDERATION OF THE FOREGOING CONCLUSIONS

It marks a striking development in penological thought that so large and representative a body of the most highly qualified experts in Europe, specially selected by their governments, should have been able to reach agreement on the findings recorded at Brussels. No one experienced in international meetings will suppose that, when their purpose is exploratory rather than legislative, every delegate feels himself committed to every phrase and nuance of the resolutions: but it seems reasonable at least to suppose that, taking Brussels and San Marino together, the following broad principles are now generally accepted by relevant expert opinion throughout Europe as underlying the meting out of legal punishment by the courts and its execution by the responsible administrative authorities.

(1) The measures which a court decides to take in regard to an offender

⁵ Dr. Baan (The Netherlands) has expressed an opinion opposed to the last part of this conclusion.

⁶ The San Marino conclusions have been published in the *Rivista di Difesa Sociale*, Nos. 3-4, 1951. See especially pp. 82 and 185.

should be those best calculated to protect society by preventing that particular offender from relapsing into crime.

(2) A court in passing sentence should therefore take account not only of the nature and gravity of the offence, but of the personality and history of the offender.

(3) To this end a court, once it has found on the facts, should be able, before deciding on sentence, to call for reports of an examination of the offender in all cases where it thinks such information necessary.

(4) A complete examination of the personality and history of an offender would be in four parts—biological, psychological, psychiatric, and social. It is for the courts to decide not only whether an examination is necessary but what is the general nature of the examination they require.

(5) The authority charged with the execution of the measure ordered by the court, whether that is to be carried out in conditions of controlled liberty (*e.g.*, probation) or of deprivation of liberty (*e.g.*, imprisonment) should equally be guided where necessary by the results of a medico-social examination. A prison authority, in order to provide for classification, individualization of treatment, and social rehabilitation, should be equipped to carry out the fullest necessary examinations by its own specialized staff.

It is evident that even this limited statement leaves many questions open to further consideration, and that certain tendencies of thought would go further in several different ways. The tendency, emphasized at San Marino, to substitute the conception of 'treatment' for that of 'punishment', represents a truth which is valuable if it is not pressed so far as to carry all the connotations of treatment in the medical sense to the exclusion of the conception of punishment. It would perhaps be safer to proceed from the basis that any measures ordered by a court against a criminally responsible offender are in fact a punishment, and that they do not cease to be a punishment when they can be used as a form of remedial treatment adapted to the personality of the offender.

If it were not so, there is on the one hand the risk that, against certain categories of offender, 'social defence' may, in Dr. Radzinowicz's phrase, be turned into 'social aggression': on the other hand, the requirements of social defence in all its implications could not, in respect of certain grave offences and certain types of persistent offender, be satisfied by a limitation of the action of the court to what was necessary for the 'treatment' of the offender.

It seems necessary also to consider how far elaborate diagnosis, based on the supposition that individual treatment will follow its indications, would be a waste of effort unless the possibility of such individualization

in fact exists—unless, that is, the court has at its disposal a variety of measures appropriate to different types of case. If a court could do no more, for example, then decide whether to send the offender to prison or not, and if prison then for how long, it would not often be able to make valuable use of scientific examinations.

Apart from such general considerations as these, there are more practical issues which seem to call for further consideration. The first of these is the question in what cases a court should require a scientific examination, and how it should decide what extent of examination is required. It is assumed that the purpose of the examination may be to guide the court as to (i) criminal responsibility, (ii) motivation of the offence and degree of culpability, (iii) personality and medical and social history of the offender. Where the examination indicates absence of criminal responsibility, the questions with which we are concerned do not arise. Under (ii) cases may arise for which the examination will suggest ‘treatment’ in a strictly medical sense, and these also raise no difficulty. We may also exclude, if only on grounds of practicability, the mass of non-indictable offences which fill the summary courts, though occasionally one of these may raise a question. But taking the general run of indictable offences, how is the court to decide whether, and to what extent, the offender before it requires expert diagnosis before it can properly prescribe treatment? San Marino appears to envisage an obligatory examination in every case. Brussels (Section II) suggests that it should be obligatory in certain categories only, *viz.*, homicide, arson, sex offences and habitual criminality.

It is relevant here to mention both the time which will be necessary to complete a scientific examination of this sort, and the expense of highly qualified specialist effort involved. These considerations lead to certain reflections on method. A full examination presupposes a co-ordinated team of experts, each making his contribution from a different angle—physician, social worker, psychologist, psychiatrist. Can such teams be organized except in an institution to which the offender can be committed in custody? And who is to assemble the various pieces into a picture of the human being before the court, draw the required deductions, and place the whole before the court as an expert witness speaking for the team?

Certain questions raised under the heading of professional secrecy, involving as they appear to do a conflict between the rights of the accused as seen by the law on the one hand and by those concerned with his human interests on the other, are also a matter of serious concern not wholly resolved by the Brussels conclusions.

It remains to consider the bearing of these and other matters on the present situation in this country.

(III) APPLICATION OF THE CONCLUSIONS IN ENGLAND AND WALES⁷

Before Sentence

It is not necessary to discuss here the question of examinations relative to certifiable insanity or mental defect. For the rest, the position appears to be that while practice nowhere reaches to the full extent of the general principles set out in the foregoing section, at least in magistrates' courts the elements of a practice based on these principles exist, are followed to a greater or less degree according to the disposition and resources of the courts, and are capable of development without further legislation.

Magistrates' courts have power, after conviction and before sentence, to adjourn a case 'for the purpose of enabling inquiries to be made or of determining the most suitable method of dealing with the case'.⁸ Where the offender is a child or young person, Rule 11 of the Summary Jurisdiction (Children and Young Persons) Rules, 1933, places an obligation on the court to obtain such information after a finding of guilt. There is further power, where the court thinks that an inquiry ought to be made into the physical or mental condition of an offender before the method of dealing with him is determined, to adjourn the case for a medical report: such reports may be obtained whether the offender is remanded in custody or on bail:⁹ in the former case the medical report will be made by the prison medical officer, in the latter by a duly qualified medical practitioner, usually at a hospital or clinic, it being made a condition of bail that the accused should present himself there for examination. The normal sources of information on other than medical matters are the police and probation officers. There appears to be nothing in law or administrative practicability to prevent magistrates' courts at least from extending this practice to as many cases as they think proper, or from asking for any type of medical or social examination that seems to them necessary. The only questions that seem to arise concern the availability and suitability of resources to meet such a demand, and the machinery for placing the findings of the experts before the courts.

In the superior courts, although their inherent powers may exceed the statutory powers of the lower courts, the present organization appears to preclude the effective application of these principles. The most a judge on circuit can do is to put the case back after conviction to the end of the Assize, or direct that it be brought before him at a later Assize on the same

⁷ Since the writer is not competent to take account of differences in law and practice in Scotland and Northern Ireland.

⁸ Section 25 of Criminal Justice Act, 1948.

⁹ Section 26 of Criminal Justice Act, 1948.

circuit. Quarter Sessions may postpone sentence till the next sessions, but as that may mean a gap of three months it could hardly become normal machinery. Making due allowance for the information which is already collected about an accused person sent for trial, and placed before the court if there is a finding of guilt, it appears that if the superior courts are to be placed in a position in which they can devote to the consideration of treatment the same skilled attention which they devote to the consideration of guilt, it would be necessary to establish in provincial centres superior courts of justice more in accordance with the London practice at the Old Bailey and the London Sessions.

In addition to these general powers of the courts, certain provisions of the Criminal Justice Act, 1948, make specific provision for courts to consider reports of expert examinations before deciding on treatment. By Section 4, if a court has reason to think that an offender may be suffering from a mental condition which requires and may be susceptible to treatment (but is not such as to justify certification as a lunatic or a mental defective) it may call for the evidence of a duly qualified medical practitioner, and if satisfied that the mental condition of the offender is as described it may place him on probation on condition that he undergoes treatment as specified in the order. Again, by Sections 20 (7) and 21 (4) a court must, before sentencing an offender to Borstal training, corrective training, or preventive detention, consider reports from the Prison Commissioners on the offender's physical and mental condition and his suitability for such a sentence.

These last provisions lead directly to consideration of the adequacy of the resources and administrative machinery available to fill the needs of an effective system of medico-social examination. For the examination of offenders in prison custody, the requirements of a proper system are known and the elements exist: that they are still imperfect is due to shortage of material resources and skilled staff. The remand centres for young people, which in happier times would already have been provided under Section 48 of the Criminal Justice Act, 1948, would be staffed by precisely such teams of medical and social experts as the Brussels conclusions require. And the Prison Commissioners have already indicated their intention in principle to set up similar centres for adults, which would serve not only to furnish reports to courts but to carry out the classification of convicted prisoners: legal power to set up such prisons is given in the Prison Rules, 1949, but economic power is still wanting. In the meantime these responsible tasks fall on the Governors and Medical Officers of local prisons, to the busiest of which Assistant Governors and psychologists are attached especially for this work. There is, however, a serious defect in these arrangements which is outside the control of the prison authorities: reports under Sections

20 and 21 must frequently be made on persons who are only in custody for a few days, or even on bail! This again is a point at which the machinery of administration of justice will require alteration if these statutory provisions are to be treated as more than a gesture.

Where the requirement of the court is no more than a medical report on a person remanded in custody, the prison medical officers, with such assistance as may be available from psychologists and social workers on the prison staffs, have in general a sufficient experience and reputation in forensic psychiatry to satisfy the requirements of the courts. They are, however, frequently hampered in this work by the failure of courts to give any explanation of their request for a report, or any information about the facts of the offence or the history of the offender. This sort of difficulty would be avoided if the Brussels conceptions were understood and applied: to complete his examination of a case a doctor often needs the assistance of a skilled social examination.

Given the will and the means, therefore, there need be no difficulty about satisfying the needs of the courts for persons remanded in custody. As to whether a similar service could be established for persons on bail, it is believed that in London at least there are clinics providing a comprehensive service linked with the probation service, but space permits only the posing of the question whether such a service could be established on a nationwide basis.

On the question of 'professional secrecy', it may be noted that law and practice in this country require that all relevant information, including medical reports and probation officers' reports, must be given in open court in the presence and hearing of the defendant. While this principle could hardly be contested when the evidence is relevant to guilt, it is open to question whether, when the evidence is relevant only to treatment, the serious harm that may be done to the defendant's human interests should not prevail over considerations of legal rights. It is at least doubtful whether, so long as this necessity prevails, the courts will receive all the information which they ought to get from an expert examination.

Finally, have our courts the possibility of individualizing treatment to an extent sufficient to make an extended system of scientific examination worth while? The answer would seem to be a decided affirmative. Apart from fines, binding-over, and conditional discharge, they can make probation orders subject to any conditions appropriate to the special needs of the offender, including residence in a hostel or home, or submission to mental treatment. For persons under twenty-one there are also detention centres¹⁰ (or detention in a remand home), approved schools, and Borstal institutions,

¹⁰ The first of these is expected to open in August, 1952.

with prison for those over fifteen if no other course is suitable. For adults there are, in addition to imprisonment, corrective training or preventive detention.

After Sentence

Where the offender has been placed on probation, it is open to a probation officer to obtain medical, psychological or psychiatric examinations during the period of probation if he so desires, and it is believed that where facilities exist probation officers make full use of them when they consider further examination desirable. In the prison and Borstal systems, the value of scientific examinations in determining the classification and treatment of sentenced offenders has long been understood and applied. The methods are well known, and it is not necessary for the present purpose to describe them in detail. The special centres at which such examinations are carried out in connection with Borstal training and corrective training are already built round 'closely co-ordinated teams' which may include doctors, psychiatrists, educational and vocational psychologists, and social workers. What has long been self-evident is that much of this work ought to be carried out *before* sentence: it is absurd that the important decision whether a man is suitable for *e.g.*, corrective training should have to be made, perhaps, by the governor and part-time doctor of a small local prison in two or three days, and that only after he has received the sentence can he receive that full scientific examination over a period of weeks which is necessary in order to decide the question.

These considerations apply with even greater force to offenders who are eligible for preventive detention: it is a serious responsibility to decide whether an offender is such a danger to society that he ought to receive this sentence, and in all such cases it is right that courts should have the benefit of the fullest scientific examination. There is the further consideration that the date of release from a sentence of preventive detention is—within certain limits—indeterminate, and is fixed by the Advisory Board of the prison on the basis of a 'diagnosis and prognosis' of each case placed before them by the prison authorities: this must of course be prepared at the preventive detention prison at the time when the offender is to come before the Board, but a full examination carried out before sentence would be of the greatest value in the preparation of this material.

The system of classification of persons sentenced to imprisonment as between training prisons and other prisons, and as between open and closed training prisons, also calls for more scientific attention than it can receive at present. If regional observation centres were established, their expert teams could not only serve the courts in respect of prisoners awaiting sen-

tence, but also examine for classification all convicted prisoners eligible by length of sentence for training prisons.

One final point calls for mention: there is increasing interest in the possibilities of using prediction tables, whether in advising courts as to treatment, in individualizing treatment, or in deciding on release where there is an element of indeterminacy. A study of these possibilities in connection with Borstal training is now being carried out by Dr. Hermann Mannheim in collaboration with the Social Survey Department of the Central Office of Information, and in the procedure described above for preventive detention the experience of the State of Illinois described by Lloyd Ohlin in 'Prediction for Parole'¹¹ has not been overlooked. Should these methods be validated in England, their effective use would scarcely be possible except under the guidance of teams of experts, skilled in the use and interpretation of prediction tables, such as could only be established in specialized observation centres.

¹¹ Russell Sage Foundation, New York (1951).

~~~~~

'Criminality, though not very various in its development, is extremely complex in its origin; nevertheless certain general conclusions are arrived at by the best writers on the subject, among whom Prosper Despine is one of the most instructive. The ideal criminal has marked peculiarities of character: his conscience is almost deficient, his instincts are vicious, his power of self-control is very weak, and he usually detests continuous labour. . . . Scenes of heartrending despair are hardly ever witnessed among prisoners; their sleep is broken by no uneasy dreams—on the contrary, it is easy and sound; they have also excellent appetites. But hypocrisy is a very common vice; and all my information agrees as to the utter untruthfulness of criminals, however plausible their statements may be.

'We must guard ourselves against looking upon vicious instincts as perversions, inasmuch as they may be strictly in accordance with the healthy nature of the man, and, being transmissible by inheritance, may become the normal characteristics of a healthy race, just as the sheep-dog, the retriever, the pointer, and the bull-dog, have their several instincts. . . .

SIR FRANCIS GALTON: 'Inquiries into Human Faculty  
and its Development.'

(London: Dent, Everyman's Library, 1907, p. 288.)

# THE ACCESSIBILITY OF PRISON INMATES OF DIFFERENT CUSTODIAL LEVELS TO VARIOUS FORMS OF REHABILITATION<sup>1</sup>

By NORMAN FENTON (SACRAMENTO, CALIFORNIA)

## DESCRIPTION OF THE INVESTIGATION

A fundamental question in connection with the effectiveness of the industrial and training activities offered in prisons and the justification for their existence is the attitude of the inmates and their receptivity toward the constructive offerings of the institution. How interested, co-operative and capable of learning are the men who are committed to prison? How willing are they to learn the necessary operations in an industrial project conducted by the prison and to put forth effort in doing what is assigned to them? The cluster of personality traits in the inmate involved in the willingness to reform we shall designate in this study as *treatability*. We shall also use the terms *receptivity to treatment*, and *educability, trainability and workability*, as generally synonymous with *treatability*.

In this investigation, we shall concern ourselves not only with the problem as a whole but more especially with one phase of this broad problem, namely: how does the receptivity of inmates to what is offered to them as treatment (that is, vocational training or meaningful work) vary with their custodial levels? To answer this question we shall try to compare the potential treatability of three groups of 100 inmates each, selected at random, who had been classified at the reception centre of the California Department of Corrections after two months' clinical study and practical observation as suitable for minimum, medium, and close<sup>2</sup> custody respectively. We wish

<sup>1</sup> Abstracted from a longer unpublished report.

<sup>2</sup> Close custody may be the same as what is called maximum in some prison systems. It is highly restrictive and used for men with escape records, active holds, psychopathic traits and other problems portending possible custodial difficulties or those with offences of a notorious or especially dastardly character.

The official definition in the Rules and Regulations of the Director of Corrections in the State of California regarding the degrees of custody is as follows:

'1. MAXIMUM: This degree of custody is for men requiring the most secure housing and constant supervision. They are to occupy single cells whenever possible, and shall work inside the walls or security area under direct supervision. Such men shall be granted no late lockups.

'2. CLOSE: Close custody indicates that an inmate may be assigned to regular cells but not to dormitories. His work may include any regular assignment inside the walls or security area. He is eligible for all activities under proper supervision. He shall not be assigned to outside details or to in-and-out details.

'3. MEDIUM: Medium custody indicates that an inmate may be assigned to



to learn what differences, if any, we would find among these three groups in their willingness to accept vocational training and education and to work reasonably assiduously in industry, maintenance, or elsewhere in the institution.

Immediate practical implications become evident if we focus our topic by supposing that in the prison system where the study takes place, the minimum group will be assigned to Institution A, the medium group to Institution B and the group classified as close to Institution C. What differences in potential treatability will be found in the types of inmates sent to these three institutions? Will Institution A get all the good men, Institution B the fair prospects, and Institution C all the untrainables and those unwilling or unable to work?

Further to focus our study let us assume a professionally conducted classification programme in the prison system. In each of the three institutions, A, B, and C, above, at initial classification shortly after receipt of the inmate from the reception centre, the admission summary is studied critically by the staff and the man is assigned and counselled in accordance with casework practice. For example, if institutional convenience enters into his initial assignment, the inmate is informed frankly regarding the practical realities of institutional operation. He may be advised that his name has also been placed upon a waiting list for a later assignment more in accord with his programme of training. The inmates are informed in the reception centre and at initial classification in the receiving institution regarding the relationship between a satisfactory institutional record and the degree of consideration they will receive concerning release on parole. In other words, we are assuming a general similarity in the professionally conducted casework procedures in institutions A, B, and C.

In California at the present time this problem is far from academic. We have between 1943 and 1951 increased the population of Institution A at Chino, for the 'minimum' men, from 500 to 1,500, plus several hundred additional men in the Chino camps. Institution B for 'medium' men, established at Soledad in 1946, will in the near future be increased in population from 700 to 1,900 inmates, plus several hundred additional men at camp. Institution C represents for the Californian prison system a composite of the walled prisons at San Quentin and Folsom, the only prisons in California prior to 1941. From housing 100 per cent. of the inmates, the

any housing facilities within the walls or security area and is eligible for all activities. He may work on outside details under direct supervision and on in-and-out details under direct supervision.

'4. MINIMUM: Minimum custody indicates that the inmate may be assigned to work and housing outside the walls or security area but on the reservation. He may be sent to honour camps or honour institutions.'

two prisons combined, according to present plans, will house somewhat over 40 per cent. The staffs of these two prisons are anxiously concerned over the effects of these population changes upon their training programme and industrial and maintenance operations. Will, they inquire, all the 'good' men go to institutions A and B? Will they receive only the residual poorer trainees or workers?

Our problem becomes even clearer if we note that the treatment programme at San Quentin, including academic education, vocational training, library and religious services, and other essential phases of prison treatment has been highly developed. At the present time, the facilities for treatment at San Quentin are at least as well developed as in the other institutions of the California prison system. Receiving as it must men whose custodial designation is close, or at best of a restrictive medium level, the staff at San Quentin has an especially keen interest in the problem before us. The question has already been raised there. If a smaller number of trainable and workable inmates are sent to San Quentin will the Department of Corrections move some of the training and industrial facilities now at San Quentin to one of the non-walled prisons? At Folsom the same question may be raised as to the future of its less extensive treatment programme. Another query which the staff at Folsom has raised is whether the idleness there will be chronic and irreducible because of the poorer types of inmates sent to Folsom.

#### ASSUMPTIONS UNDERLYING STUDY

This study was conducted upon three assumptions. The first is that the data for the major variable, custodial level, were accurate. This assumption is correct since the custodial assignments of the cases studied were approved officially and actually used in the prisons. The second assumption is probably reasonable, namely, that the comprehensive case history prepared by the clinical staff of a reception centre may provide data of considerable value in predicting an inmate's capability of accepting and utilizing opportunities for training and work in the receiving institution. The third assumption is that for an individual inmate the writer's subjective rating of potential treatability, based on these data in the admission summary, may be sufficiently valid for the purposes of this preliminary study. This hypothesis may be open to question.

The level of treatability was reported in three categories: *good*, *fair* or *poor*, according to the following definitions:

*Good*: Willing, ambitious and healthy. Tests and interviews indicate satisfactory attitudes in relation to professed occupational interests.



*Fair:* Average abilities and interests. Reasonably good health and evidence of willingness and ambition. Apparently capable of being reached by counsellor, instructor and shop foreman.

*Poor:* Lazy, unambitious with strongly ingrained ne'er-do-well or criminalistic attitudes. Wants to do his time in the easiest way. Low aptitudes and little interest in occupational betterment.

The following specific items were also tabulated and studied in relation to custodial levels: tested intelligence, educational achievement, mechanical ability, vocational interests and reported previous work history.

Future research in the field, possibly of a more strictly mathematical nature like the customary statistical studies of prediction of parole adjustment, would involve methods of greater objectivity.

#### SUMMARY OF RESULTS

(1) The major finding of this study is that 27, or 9 per cent. of the total group, were rated as *poor* prospects for training; 143, or 47·7 per cent., *fair*; and 130, or 43·3 per cent., *good*. This means that, other things being equal, the great majority of the men received in the California prisons were judged as potentially capable of responding to a training or work programme. For example, the implication is that with the exception of the illiterates, totalling about 12 per cent. of the group, for whom special education is indicated, most of these men under adequate reading guidance may learn to use the library, profit from reading in connection with their work, or read as a means of wholesome use of leisure time.

(2) A breakdown of these findings indicated a notable superiority in potential treatability of the minimum group sent to an open institution over the close and medium groups. This is shown by the following data: Of 100 cases of close custody, 16 per cent. were rated as poor, 55 per cent. as fair, and 29 per cent. as of good potential treatability. Of 100 medium cases, 11 per cent. were poor, 52 per cent. fair and 37 per cent. good. Of 100 minimum cases, none were rated poor, 36 per cent. were fair and 64 per cent. good.

(3) There is a tendency for the tested intelligence level of the group to be higher where the custodial level is less restricted. Fifty-one per cent. of the close custody men were reported as average or above, 56 per cent. of the medium and 62 per cent. of the minimum. The medians for all three groups fall at the average level. Borderline and defective cases combined are closely similar, 12 per cent. for close, 13 per cent. for medium and 9 per cent. for minimum.

(4) The reports of educational achievement are similar in implication to

those of intelligence level. Seventy-two per cent. of the close custody group, 73 per cent. of the medium, and 88 per cent. of the minimum group had reached the sixth grade in school or better. According to these findings of intelligence and educational level the problem for the educator and the prison librarian is *how* to interest the men in their institutions in academic and vocational training or in the use of the library, not to consider whether they are able to profit from these facilities.

(5) The previous work history of these 300 inmates indicated that the minimum group were superior to the others in level of occupation. The overlapping, however, was considerable. The case records showed that 36 per cent. of the close, 46 per cent. of the medium, and 50 per cent. of the minimum cases had previously been employed in work on the semi-skilled or skilled levels. These findings suggest most strongly the need for practical courses upgrading inmates from the unskilled to semi-skilled occupational levels.

(6) Paper and pencil tests of mechanical ability leave much to be desired as accurate measures. The findings indicated a slight advantage for the minimum group. There were 83.5 per cent. of them who rated average or better, 77.4 per cent. of the medium and 77.0 per cent. of the close.

(7) The study of the reports of vocational interests showed some tendencies for the minimum group to express somewhat higher levels of occupational interests and ambitions than the close and medium groups. Among the latter, however, the interests recorded indicated clearly the need for an adequate and comprehensive programme of vocational guidance and training in the institutions receiving men of these more restricted custodial levels. The opportunities for the educators and librarians in the walled prisons to provide guidance, instruction and reading matter in the field of occupations were also apparent.

(8) It has been confirmed by Thorndike and other psychologists that the ability to learn is not the exclusive possession of youth. Learning may be almost as efficient in the fifth or sixth decades for certain types of material as in the years before twenty. It is still customary, nevertheless, for practical reasons, to view the years before thirty as better for learning than the later years. Therefore, in our study of age and the custodial level given to the men in our experimental groups our first comparison will be the proportions of men under thirty assigned to the three custodial classifications. We find that 62 per cent. of the groups designated close were under thirty; 33 per cent. of those classified as medium and 61 per cent. of the minimum group. Stretching the comparison by the addition of another decade, we find for the close group 86 per cent. were under forty, 69 per cent. of the medium and 89 per cent. of the minimum. The group designated close also



had 12 per cent. under twenty as compared with 2 per cent. of the medium and 4 per cent. of the minimum. This may have been a chance variation caused by the inclusion of two gangs of youthful rapists. Viewed broadly, the medium group contains a higher proportion of older men than the other two, whereas the close and minimum groups are roughly similar.

(9) In the California prison system restrictive custodial level is not entirely a matter of recidivism *per se*, although the tendency is manifested in some of the data. Departmental policies regarding institutional assignment have played a major part in bringing out the differences in custodial assignment. Thus, the minimum custody institution received 90 per cent. of first termers, 9 per cent. of second termers, only one third termers and none with more than three prison sentences. The medium and close assignments had 58 per cent. and 53 per cent. respectively of first termers.

(10) As one views Table I, although the 300 cases of the experimental group are very small, several facts stand out. In the first place, the medium group exceed the other two in the offence of 'theft other than auto'—and is less than the others in cases of auto theft. Definitely more cases of forgery and cheques were classified as minimum. Rape, because of the two gangs of young Mexicans mentioned elsewhere, is clearly weighted in favour of close custody. Other sex cases, especially lewd and lascivious conduct and sex perversion, and also narcotic cases, were transferred to the medium classi-

TABLE I

*Offence for which Committed and Assigned Custodial Level*

| <i>Offence</i>              | <i>Custodial Level</i> |               |                | <i>Total</i> |          |
|-----------------------------|------------------------|---------------|----------------|--------------|----------|
|                             | <i>Close</i>           | <i>Medium</i> | <i>Minimum</i> |              | <i>%</i> |
| Homicide . . . .            | 5                      | 5             | 4              | 14           | 4.7      |
| Robbery . . . .             | 18                     | 16            | 18             | 52           | 17.3     |
| Assault . . . .             | 3                      | 3             | 1              | 7            | 2.3      |
| Burglary . . . .            | 23                     | 19            | 24             | 66           | 22.0     |
| Theft, except auto . . . .  | 5                      | 14            | 9              | 28           | 9.3      |
| Auto theft . . . .          | 5                      | 1             | 5              | 11           | 3.7      |
| Forgery and cheques . . . . | 17                     | 18            | 32             | 67           | 22.3     |
| Rape . . . .                | 10                     | 1             | 3              | 14           | 4.7      |
| Other sex . . . .           | 1                      | 12            | 1              | 14           | 4.7      |
| Narcotics . . . .           | 2                      | 8             | 2              | 12           | 4.0      |
| Escape . . . .              | 7                      | 2             | 1              | 10           | 3.3      |
| Habitual criminal . . . .   | 0                      | 0             | 0              | 0            | 0.0      |
| All others . . . .          | 4                      | 1             | 0              | 5            | 1.7      |
| Total . . . .               | 100                    | 100           | 100            | 300          | 100.0    |

fication in much greater proportion. Cases of escape, as per Departmental policy, were weighted heavily in favour of close custody; the case assigned to minimum custody being a man of fifty-seven.

#### GENERAL CONCLUSIONS

The findings of this investigation suggest tentatively that California prisons of more restrictive custody do not receive an overwhelming proportion of men who cannot profit from education or vocational training or who are unable or unwilling to work in prison maintenance or industrial enterprises. On the contrary, 29 per cent. of close custody cases (destined in California for the walled prisons of San Quentin and Folsom) were rated as good training or work prospects, 55 per cent. as fair and only 16 per cent. as poor. Thus, the men sent to the walled institutions rated in this study were found with few exceptions to be as a group *potentially* treatable.

We need to stress the word *potentially* in the previous statement. The accomplishment of training goals or productive enterprises with prison inmates involves requirements additional to those of a good trade school or an ordinary factory. In its vocational training, the prison must, to be sure, have a good programme of guidance, competent instruction, and satisfactory shop facilities. Academic education, the library, and other treatment facilities must support the programme of vocational training. Obviously, these requirements must be met in any situation offering effective vocational training. However, the crucial factors in the success of the work or training programme in the prison are not only these adequate provisions for training, but also individual or group psychotherapy and especially conditions making for good institutional morale, or what we might call the *atmosphere of adjustment*. The following are offered as examples of important conditions for the success of any training programme in the adult penal institution which may realize adequately the potentialities of its inmates:

(1) Provision must be made in the walled prison for the identification and segregation of the approximately 5 or 10 per cent. of more difficult emotionally disturbed and aggressively unco-operative inmates. The programme as a whole must not be jeopardized, however, by interferences caused by their attitudes and behaviour. The desirable programme for this minority of problem cases is another question worthy of study. The constructive answer is certainly not twenty-four hours a day of punitive incarceration in solitary confinement without books or other helpful influences, especially as most of these inmates are to be released at some future time.

(2) For purposes of morale, the large prison should introduce the plan of a breakdown into smaller administrative units under trained subordinate



leadership. The large impersonal prison of 2,000 or more inmates could profitably be divided into six or more units under such subordinate leadership interested in the individual inmate. In England and in the United States, the breakdown into smaller units within the large institution has proved to be advantageous for morale when conducted by able subordinates respected and trusted by the inmates, who recognize the sincerity of interest in their welfare of these subordinate administrators.

(3) The receiving institution should have orientation programmes for the newly-received inmates. The military services, under great pressure for men, have gradually learned this simple lesson in social psychology. They have studied the inductee and his needs and planned an orientational and instructional programme to adjust the raw recruit most satisfactorily to the change in his existence from civilian to military life.

The use of ample time, a fortnight or longer, in the conduct of a good initial orientation or adjustment programme for new inmates in a prison is a sound and practical investment. It should consist of two phases: first, the orientation to the prison as a whole, conducted by the various departments of the prison; and, second, the preparation of the inmate for work or study in the training or industrial assignment. The prison industries of the past have probably been less efficient because of pressing these new men into their mills and factories immediately after arrival and without emotional or other preparation for the work situation. As a complement, therefore, to the programme of orientation to the institution itself, is the need for vestibule group counselling for the prison industrial, maintenance, and vocational training shops.

(4) In the organization of the shops themselves (and there is no space to discuss herein equipment, curriculum, teaching methods and the like) there are two desirable features for morale that need mention. The first is the control and direction of the shop at all times by the free personnel. The second is the means to encourage the democratic spirit through an active inmate advisory council. This group should be elected by the inmates and meet regularly with the foreman or teacher to discuss inmate welfare and various means to improve the methods of production or instruction and the conditions of work.

(5) The staff of the walled prison must be given the security in their programme of training and work that comes from the assurance of continuity. Inmates should remain in the walled institution and complete their training there. Only in exceptional cases should an inmate's programme be interrupted by transfer to another institution.

The walled prison should offer the inmate within itself progressive advancement in his programme of treatment. The progress of inmates

should be recognized through the use of gradations of facilities and privileges developed by the institution itself, including minimum housing units outside the wall. It is exceedingly discouraging to the staff to have trainees in industrial or maintenance operations or in vocational training transferred to another institution, because perhaps it is custodially less restrictive, and assigned to work not in keeping with their partially completed programme of training.

(6) There is need also for an emphasis upon individual counselling. The staff of the receiving institution must accept the inmates understandingly as individuals with problems. The inmate-foreman relationship, the inmate-teacher relationship, and a variety of individualized instructional methods are obviously of primary importance. In addition to the customary routine interviews and conferences with the shop and classroom personnel, some plan of individual counselling must be developed in the institution. As conducted in institutions at present, a major value of counselling is that the inmate gets the feeling that he has a special friend in the prison. This person is one to whom he may turn for advice, in whose presence he may voice his troubles and irritations without fear of disciplinary reprisal; in short, someone with whom he feels comfortable and in whom he grows to have faith.

(7) Needless to say a desirable accompaniment of individual counselling by laymen is a programme of psychotherapy. This may be individual if the professional staff is available, but probably the use of methods of group therapy may be necessary. All inmates need some opportunity to release tensions under therapeutic auspices, and to express resentment, anxiety, or other feelings. Desirable for all prisons, group therapy is an absolute necessity in the walled prison if the above-mentioned *potentialities* of the inmates are to be given an opportunity for realization.

(8) Although some mention has been made of the prison educator and librarian in realizing the potentialities of inmates, space does not permit more than the mention here of other treatment facilities, such as the religious programme, or the recreational opportunities in the prison designed for immediate enjoyment and for the cultivation of desirable leisure time interests. Nor have we space to discuss either the importance of social casework to promote good family relationships, or the value of pre-release preparation, including transitional methods leading to gradual readjustment to community life.

(9) Finally, in realizing the potentialities of prison inmates, the activities of the training programme cannot be separated from the general life of the institution. In charge of the prison carpentry shop, there may be a rare personality as instructor or foreman, and equipment may be found there



that compares with what is provided in the finest trade school in America. Nevertheless, the efforts at training may be seriously handicapped if the inmate leaves the carpentry shop and enters the prison yard, the administration building, or the mess hall and there is subjected to maltreatment at the hands of unenlightened correctional officers or other staff members. The emotional disturbances in inmates aroused by impatient, arrogant, or prejudiced officers carry over into the learning situation even in the most ideal vocational shop. In other words, the prison as a whole, not merely particular shops, must develop the atmosphere of adjustment.

With the exception of the so-called accidental or situational offenders, most men sent to prison got into trouble because of attitudes and behaviour which may be traced to unfortunate human relationships in their past lives, notably, with parents and other persons in an authoritative relationship with them. If the staff of the prison also show these unwholesome, rejective attitudes toward the inmates, they may renew and enhance these underlying emotional disturbances. Thereby they render the process of rehabilitation ever so much more difficult, if not impossible. Instead of protecting the public, an unwholesome prison may actually be a dangerous menace to the public welfare by releasing prisoners obsessed by hostile anti-social attitudes.

How to develop the atmosphere of adjustment in the prison, in order to provide the foundation for the training and work programme, is therefore a major problem for the penologist. It is unfair, until in the walled prison the prerequisite atmosphere of adjustment is present, to attribute to defects or limitations in the personalities of the inmates any deficiencies in their willingness to accept treatment. That men in the walled institutions have potentialities for success in vocational training and academic education seems to be indicated by the findings of this study. Under appropriate conditions they should be able to work as do men elsewhere. Some desirable facilities or methods of treatment to realize these potentialities have been the subject of our discussion.

#### SUMMARY

In ending this discussion, it is necessary to emphasize again the tentative nature of the conclusions drawn. All of them should be examined further. Granted, however, all the limitations of this investigation, the findings suggest that the *potential* treatability among inmates of the more restrictive custodial levels may be much greater than is usually believed. If its results sound a note of optimism for those colleagues whose professional work is carried on in the walled prisons, this study may have accomplished something of value for penology.

# PERSISTENT ENURESIS AND JUVENILE DELINQUENCY <sup>1</sup>

By JOSEPH J. MICHAELS and ARTHUR STEINBERG  
(BOSTON)

## INTRODUCTION

The significant relationship of the history of persistent enuresis to juvenile delinquency and psychopathic personality has been frequently discussed by one of us (8, 9, 10, 11). It was postulated that the general lack of control which is characteristic of persistent enuresis permeates the whole personality of the delinquent and psychopathic personality in whom enuresis has been a persistent symptom. Persistent enuresis, delinquency and psychopathic behaviour are character problems. In an earlier paper (10), one of us suggested that the persistently-enuretic delinquent had a special psychosomatic disposition, which was reflected at the biological, psychological and sociological levels. There probably is a specific class of delinquents of a persistent enuretic type which could be more sharply delimited from delinquents in general. It is of some significance that this basic conception has not seriously engaged the attention of workers in the field of juvenile delinquency, especially since the general problem of character is so intimately involved. Huschka (5) has utilized Michaels' hypothesis that 'persistent enuresis is the prototype of a certain type of psychopathic personality' in a study of 215 problem children. Bachet (1, 2) in France has elaborated a conception closely related to this thesis within a framework of synthetic psychobiology.

Recently two important books on juvenile delinquency were published: one by the Gluecks (3), 'Unraveling Juvenile Delinquency', which dealt with a study of 500 delinquents and 500 controls who were studied from various levels of the personality—anthropological, temperamental, psychiatric, and socio-economic; the other by Sheldon and his collaborators (12), 'Varieties of Delinquent Youth', in which the main emphasis was on the anthropological study of 200 delinquents. It is interesting that in spite of basic differences in the frame of reference, both studies revealed a high

<sup>1</sup> Reviewed in the Veterans Administration and published with the approval of the Chief Medical Director. The statements and conclusions published by the authors are the result of their own study and do not necessarily reflect the opinion or policy of the Veterans Administration. The authors are indebted to Dr. W. H. Sheldon and his collaborators for their kind permission to make use of their data.

We wish to thank Harper and Bros., New York, the publishers, who also gave their permission to make reference to the tables pp. 721-727 appearing in the book.



incidence of persistent enuresis in the histories of the delinquents. The Gluecks found 28.2 per cent. of persistent enuresis in delinquents in comparison to 13.6 per cent. of persistent enuresis in the non-delinquent controls. Sheldon did not specifically tabulate the number of persistent enuretics among the delinquents whom he studied. While reading his book, in which he delineates individual case portraits, we were struck with the high incidence and the long persistence of enuresis. Sheldon emphasized structural dysplasias<sup>2</sup> with probably insufficient consideration of psychodynamic and sociological factors, but as he presented anthropological measurements and other data pertaining to the degree of delinquency, intelligence, medical findings, etc., it was thought that it would be worth while to study the relationship of enuresis to these various factors.

Since Sheldon's data contained no exact record as to presence or absence of enuresis, no accurate analysis was possible. We therefore assumed that enuresis was present only if it was specifically mentioned. On this basis we found that 38 of the 200 delinquents were enuretic. It is our belief that if there had been a specific quest in regard to the presence or absence of a history of enuresis, a higher incidence of enuresis would have been found.

#### THE SAMPLE

Sheldon's subjects were 200 delinquent young men or 'precocious down-and-outers' who 'had been referred to the Hayden Goodwill Inn, a Boston South End social agency' (12, p. 3). In age these youths range from the late teens to the early twenties. The 200 cases are presented in a sequence which 'progresses from a pole where the delinquency seems to be an almost irrelevant corollary to obviously defective endowment, toward a pole where remote and less easily defined influences are predominantly at fault and where the factor of gross insufficiency is not operative' (12, p. 111). More specifically, the 200 cases are divided into two 'companies' (A and B) with three 'platoons' in Company A and one 'unit' plus two 'platoons' in Company B. The 'platoons' are further subdivided into 'sections'. For purposes of orientation, Sheldon's 'marching order' and the incidence of enuresis are presented in Table I.

Of the 200 delinquents, 38, or 19.0 per cent., were found to be enuretic. In 25 cases enuresis persisted up to the age of fifteen to twenty years; in 11 cases to the age of eleven to fifteen years, and in 2 cases to the age of seven to ten. It is clear then that in these delinquents when enuresis was present, it was persistent. The incidence of this persistent enuresis among Sheldon's delinquents (19.0 per cent.) is very similar to the figure 21.0 per cent.

<sup>2</sup> Constitutional peculiarities of physique (Ed.).

TABLE I

*Sheldon's Classification of 200 Delinquents According to Predominant Factor in Delinquency and Incidence of Enuresis*

| <i>Designation</i> | <i>Description</i>                                 | <i>Number</i> | <i>Per cent. of Sample</i> | <i>Number of Enuretics</i> | <i>Per cent. of Enuretics</i> |
|--------------------|----------------------------------------------------|---------------|----------------------------|----------------------------|-------------------------------|
| A-1*               | Mental insufficiency . . . .                       | 36            | 18.0                       | 8                          | 22.2                          |
| A-2                | Medical insufficiency . . . .                      | 46            | 23.0                       | 13                         | 28.3                          |
| A-3                | Psychosis . . . . .                                | 18            | 9.0                        | 4                          | 22.2                          |
| B-0                | 'Chaplain's unit': No delinquency . . . . .        | 5             | 2.5                        | 0                          | 0                             |
| B-1-1              | Neurosis (borderline psychosis) . . . .            | 9             | 4.5                        | 1                          | 11.1                          |
| B-1-2              | Neurosis ('with minor somatoroses')† . . . . .     | 18            | 9.0                        | 1                          | 5.6                           |
| B-1-3              | Neurosis ('comparatively uncomplicated') . . . . . | 11            | 5.5                        | 1                          | 9.1                           |
| B-1-4              | Neurosis ('with multiple complications') . . . . . | 21            | 10.5                       | 7                          | 33.3                          |
| B-1-5              | Alcoholics . . . . .                               | 3             | 1.5                        | 0                          | 0                             |
| B-1-6              | 'Gynandrophrenes' . . . . .                        | 17            | 8.5                        | 0                          | 0                             |
| B-2                | 'Criminals' . . . . .                              | 16            | 8.0                        | 3                          | 18.8                          |
|                    | Total . . . . .                                    | 200           | 100                        | 38                         | 19.0                          |

\* Designation A-1 means: 'company' A, 'platoon' 1; B-1-1 means: 'company' B, 'platoon' 1, section 1, etc.

† For definitions of this and other terms, see 12, especially pp. 25-30. See also the following page.

reported by Michaels (8) for enuresis persisting past the age of eight years in the delinquent sample of Healy and Bronner. As might have been expected, when the incidence of enuresis in a lower age group was examined, the data of Healy and Bronner showed an increase: 30 per cent. of their delinquents were enuretic beyond the age of five. It is likely that in Sheldon's sample, the incidence of enuresis at lower age levels, e.g., age five, would have been higher if more precise information were available. Accordingly, it may be more appropriate to consider one aspect of the present study as a comparison of delinquents who were persistently enuretic with delinquents who were non-enuretic or whose bed-wetting did not persist for long.

#### VARIABLES STUDIED

Although Sheldon used a biological frame of reference, his psychiatric concepts and hypotheses are highly individualistic. His divergences from modern psychobiological orientation create difficulties if one attempts to make valid comparisons. As long as one remains at simple levels of integration and confines the study to quantitative consideration, a limited sphere

of investigation may still be available for comparative study. Sheldon presents statistical data on about twenty variables (12, Tables 11 and 12, pp. 721-7). For one reason or another, it was not feasible to use all of these variables in the present study; *e.g.*, the 'medical-other-than-psychiatric' (M.O.P.) contribution to delinquency could not be isolated as a variable since enuresis itself was considered by Sheldon to be part of the M.O.P. factor. Two other variables which do not appear in Sheldon's 'statistical review' but may be found in the individual biographies of the delinquents were investigated in the present study. These were the occurrence of arson and of stealing in the history of the delinquent. Of these two variables, only arson was utilized in the final statistical comparisons since 'stealing' was found to be too indefinite a category with all sorts of varieties and degrees.

The variables which are utilized are presented along with Sheldon's definitions.

- (1) Total D. A rating of delinquency which is the sum of mental (I.Q.) insufficiency, medical (other than psychiatric) insufficiency, four types of psychiatric delinquency, and 'primary criminality', *i.e.*, of seven contributive variables (12, pp. 105-7).
- (2) I.Q. This variable is defined in the conventional way. The I.Q. which Sheldon describes is a composite of available intelligence test results. All I.Q.s are translated into a sixteen year basal level (12, p. 102).
- (3) Second order psychopathy. Psychoneurosis as a contributory factor in delinquency.
- (4) Cerebrophobic delinquency. 'Delinquency associated with inability to tolerate . . . cerebrotonia and with any attempt to depress that component. Practically, delinquency associated with the use of alcohol or drugs' (12, p. 106).
- (5) Gynandrophrenic delinquency. Delinquency associated with feminoid components in males (and *vice versa*).
- (6) Primary g. 'The degree or prominence of feminine characteristics in a male physique' (or *vice versa*) as manifested 'in the standard somatotype photograph' (12, p. 19 ff.).
- (7) Secondary g. 'The covert g that escapes the photograph' and is manifested in behaviour, and in such morphological factors as: expression and structure of the eyes, the eyelashes, double-jointedness, etc.
- (8) Primary t. (thoroughbredness) 'The æsthetic harmony and symmetry, or the beauty, of the physique as a whole as it is presented in the somatotype photograph' (12, pp. 20-3).
- (9) Hand strength. Rating of hand strength on a five-point scale as based on dynamometer tests and on such enterprises as turning a broom handle in another's hands (12, p. 100).
- (10) Military service. Whether or not the subject served in the armed forces.
- (11) Value to the service. This variable is rated as +, -, or  $\pm$ .
- (12) Arson. The occurrence of fire-setting in the history.



## STATISTICAL TECHNIQUES APPLIED

Most of the comparisons which were made in the present study employed the Chi<sup>2</sup> test. Where necessary, suitable adjustments or 'corrections for continuity' were made (6). Where applicable, the 't test' was used.

## FINDINGS

The incidence of enuresis (19.0 per cent.) in these 200 delinquents does not differ significantly <sup>3</sup> from the incidence of enuresis (24.2 per cent.) among so-called normal children (7), or 19.3 per cent. in 1,000 psychiatric patients (9). However, the degree of the persistence of enuresis is striking: in 36 (94.7 per cent.) of the 38 enuretic delinquents, the enuresis persisted beyond the age of eleven and in 65.8 per cent. of these cases (25 out of 38) the enuresis persisted beyond age fifteen. In the 108 so-called normal children (7) who had a history of enuresis, 17, or 15.7 per cent., persisted in their enuresis past the age of ten years.

It is of some interest to examine the incidence of enuresis among Sheldon's various classes of delinquents. These data are listed in Table I. The highest incidence (33.3 per cent.) of enuresis occurs in 21 neurotic delinquents 'with multiple complications', followed by the 28.3 per cent. delinquents 'with medical insufficiency predominant', and tied for third place, 22.2 per cent. delinquents with 'mental insufficiency predominant' and those with psychosis as the predominant factor in their delinquency. These findings seem to be in keeping with Michaels' conception (11) of persistent enuresis as a 'psychobiopathic trait' and a reflection of 'an individual whose psychosomatic structure is disharmonious and poorly integrated'.

A general comparison of the incidence of enuresis as related to differences in predominant factors in delinquency gives the following results. The Chi<sup>2</sup> value 4.84 with 4 degrees of freedom yields a P somewhat in excess of .30. Therefore, the 'platoons' of delinquency do not differ significantly in regard to the incidence of enuresis. Since Sheldon's classification of types of delinquents is an arbitrary one (as he admits: 12, p. 111), it may be of interest to compare the enuretic delinquents with the non-enuretic delinquents in regard to severity of delinquency. Table II reveals that there is no significant difference between the enuretic delinquents and the non-enuretic delinquents in severity of delinquency.

It was observed that among Sheldon's 'platoons', the incidence of enuresis is second highest in the 'mental insufficiency' platoon (A-1).

<sup>3</sup> When a difference is 'not significant' it means that according to calculations of probability (Chi<sup>2</sup> or 't test') it can be attributed to chance (Ed.).

TABLE II

*Enuretic and Non-Enuretic Delinquents Compared in Mean D and in Mean I.Q. (N. = 200)*

|               | <i>N</i> = 38<br><i>Enuretic</i> | <i>N</i> = 162<br><i>Non-Enuretic</i> | <i>t</i> | <i>P</i>    |
|---------------|----------------------------------|---------------------------------------|----------|-------------|
| Mean D * . .  | 4.42                             | 4.57                                  | .46      | < .70 > .60 |
| S.D. . . . .  | 1.51                             | 2.08                                  |          |             |
| Mean I.Q. . . | 84.8                             | 92.0                                  | 2.92     | < .01       |
| S.D. . . . .  | 12.7                             | 16.7                                  |          |             |

\* Since the M.O.P. ('medical-other-than-psychiatric') component of the D score is not independent of enuresis in the history, it was omitted from the ratings of total D used in deriving these mean values.

Accordingly, the enuretic delinquents are compared with the non-enuretic delinquents in regard to general intelligence (I.Q.). Also from Table II it appears that on the average the enuretic delinquents are significantly lower in their I.Q.s than the non-enuretic delinquents.

TABLE III

*Distribution of I.Q. in 200 Delinquents with and without Enuresis*

| <i>I.Q.</i> | <i>f</i> (Non-Enuretic) | <i>f</i> (Enuretic) | <i>f</i> (Non-Enuretic<br>and Enuretic) |
|-------------|-------------------------|---------------------|-----------------------------------------|
| 125-129     | 2                       | —                   | 2                                       |
| 120-124     | 6                       | —                   | 6                                       |
| 115-119     | 16                      | —                   | 16                                      |
| 110-114     | 8                       | 1                   | 9                                       |
| 105-109     | 4                       | 1                   | 5                                       |
| 100-104     | 15                      | 2                   | 17                                      |
| 95-99       | 14                      | 4                   | 18                                      |
| 90-94       | 22                      | 6                   | 28                                      |
| 85-89       | 18                      | 9                   | 27                                      |
| 80-84       | 18                      | 3                   | 21                                      |
| 75-79       | 17                      | 3                   | 20                                      |
| 70-74       | 10                      | 2                   | 12                                      |
| 65-69       | 4                       | 4                   | 8                                       |
| 60-64       | 5                       | 3                   | 8                                       |
| 55-59       | 2                       | —                   | 2                                       |
| 50-54       | 1                       | —                   | 1                                       |
| Total       | 162                     | 38                  | 200                                     |

In the data on I.Q., however, another interesting phenomenon occurs. Table III indicates that the I.Q. distribution for the 200 delinquents as a whole seems to be bi-modal with one mode at interval 90-94 and the other mode at interval 115-119.<sup>4</sup> Moreover, none of the enuretic delinquents has an I.Q. above 110, and only two of them have I.Q.s above 105. If one applies Wechsler's range of I.Q. 91 to 110 as the limits for 'average' intelligence (13), then it may be said that there is no enuretic delinquent in this sample who rates higher than average in intelligence.

Further examination of the data reveals that the non-enuretic delinquents with I.Q. 110 or greater are placed by Sheldon in the following groups: 11 'gynandrophrenes', 5 neurotics (comparatively uncomplicated cases), 5 neurotics (with minor somatoroses), 3 in the 'chaplain's unit', 3 'first order psychopathy' (delinquency associated with psychotic trends), 2 'medical insufficiency predominant', 2 neurotics bordering on psychosis, and 1 neurotic 'with multiple complications'. In other words, 24 out of the 32 non-enuretic delinquents with higher I.Q.s are found among the 'gynandrophrenes', the 'comparatively uncomplicated cases', the 'minor somatoroses', and the 'chaplain's unit'. It is in these groups that intellectual brightness is most frequent. Disregarding a group of three alcoholics, these are the groups with the lowest incidence of enuresis (cf. Table I). What seems striking, however, is that these are also the four lowest groups in mean delinquency or D (12, Table 12, p. 727). Moreover, none of the 'primary criminals' is above average in intelligence. In other words, it would appear that among delinquents with a higher I.Q. there is less tendency to persistent enuresis, and a milder form of delinquency.

The enuretic delinquents were compared with the non-enuretic delinquents in a number of other respects. The results of these comparisons are as follows: in none of three of the contributory factors to delinquency: (a) neurosis, (b) the use of alcohol or drugs, or (c) the presence of feminoid components, do the differences between enuretic and non-enuretic delinquents approach statistical significance. It is further observed that neither in hand strength nor in 'primary t' ('beauty of the physique as a whole') do the differences between the enuretic and the non-enuretic delinquents reach an accepted level of statistical significance.

Although the difference between the two groups in 'primary t' does not reach the 5 per cent. level of confidence, it should be noted that the 'P' found reaches almost the 10 per cent. level. Moreover, the mean 'primary t' for the non-enuretics is greater than the mean for enuretics (2.67 as com-

<sup>4</sup> The present I.Q. distribution was compared with the best-fitting normal distribution for the data. This comparison yielded a chi square of 25.98 and a P between .05 and .02 which gives statistical support to the observation that the present I.Q. data deviate from a normal distribution.



pared with 2.47). In other words, there seems to be a tendency for the enuretics to be lower in 'the æsthetic symmetry, or the beauty of the physique as a whole as it is presented in the somatotype photograph'.

In view of the fact that delinquents have considerable difficulty in adjusting to military service, the question arose as to whether there were differences between the enuretic and non-enuretic delinquents in this respect: 42.6 per cent. of the non-enuretics and 42.1 per cent. of the enuretics had no military service. These figures are practically identical. Of those who had military service, the value to the armed forces was just about equal for the enuretics and the non-enuretics with possibly a very slight tendency in favour of the non-enuretics.

An analysis was also made of the 'g' factors: primary g (the prominence of feminoid characteristics in the standard somatotype photograph) and secondary g ('the covert g that escapes the photograph' and is manifested in behaviour). It is observed that the difference between the two groups almost reaches statistical significance in primary g and is significant (5 per cent. level) in secondary g. Moreover, the mean primary g is as follows: enuretics  $M = 2.76$ ; non-enuretics  $M = 2.59$ . In other words, there is a tendency for the enuretics to be somatotypically more feminoid than the non-enuretics. On the other hand, when the two groups are compared in secondary g or behavioural feminoid characteristics, the mean for the non-enuretics is 2.23 and the mean for the enuretics is 1.84. Considering these two findings together, it would seem that physically the enuretics tend to be more feminoid than the non-enuretics but in regard to behaviour the enuretics tend to be less feminoid than the non-enuretics. It is possible that these findings are related to the homosexual component in the enuretic delinquent.

We come finally to an aspect of the data which is interesting in the light of psycho-analytic speculations. Ferenczi has postulated a 'close relationship between pyromanic tendencies and urethral erotism' (10). The enuretic and non-enuretic delinquents were compared with regard to incidence of arson in the history of delinquency. A positive association between arson and a history of enuresis seems to be confirmed. In other words, 15.8 per cent. of the enuretic delinquents and only 4.9 per cent. of the non-enuretic delinquents committed arson. Moreover, there is some possibility that the certainty of this relationship is underestimated since two of the non-enuretic delinquents who committed arson, did so only once, apparently as a retaliatory measure, whereas among the enuretic delinquents arson, when present, was a recurring symptom.

## DISCUSSION

The specific finding of a long-persistence of enuresis in 19.0 per cent. of 200 delinquents further corroborates the significance of persistent enuresis among juvenile delinquents. The fact that this group was an independent sample in which no special attempt was made by the authors to single out enuresis adds to the importance of persistent enuresis as a psychobiological paradigm of delinquent behaviour characterized by lack of control. Although no attempt was made in this study to prove that the juvenile delinquent has a unique psychosomatic structure, our clinical judgement suggests mal-integration of these individuals.

The data reveal that the persistently enuretic delinquent differs distinctly from other delinquents in the following respects: (1) their I.Q.s are lower, (2) they tend to be more feminoid physically than non-enuretic delinquents but less feminoid in behaviour and (3) they show a significantly higher rate of arson. Thus the above constellation of variables would indicate that there may be a specific type of delinquent who has had a history of persistent enuresis.

## CONCLUSIONS

Two hundred delinquents were studied statistically from two points of view: (1) the incidence and persistence of enuresis, and (2) a comparison of delinquents with a history of persistent enuresis and delinquents without such a history.

The following data were obtained:

(a) There was an incidence of 38, or 19.0 per cent., enuresis. Persistence of enuresis beyond ten or eleven years of age occurred in 36 (94.7 per cent.) and beyond fifteen years of age in 25 (65.8 per cent.) of these 38 cases.

(b) The delinquents with a history of enuresis differed significantly from the delinquents without enuresis in: (i) lower intelligence quotients, and (ii) a higher incidence of arson.

(c) The delinquents with a history of enuresis were significantly less feminoid in behaviour than the delinquents without enuresis; however, the former tended to be more feminoid physically (on the basis of the somatotype photograph).

(d) The enuretic delinquents tended to fall below the non-enuretic delinquents as regards 'æsthetic harmony and symmetry or the beauty of the physique as a whole'.

(e) The delinquents with a history of enuresis did not differ significantly from the delinquents with no enuresis in regard to their value to the military service or in the severity of delinquency.

## REFERENCES

- (1) BACHET, M. (1950). 'Les Encephaloses Criminogènes.' Paris: Foucher. Pp. 144.
- (2) BACHET, M. (1951). 'The Concept of Criminogènes Encephaloses (Criminogenic Encephaloses)', *Amer. J. Orthopsychiat.*, **21**, 794-9.
- (3) GLUECK, S., and GLUECK, E. (1950). 'Unraveling Juvenile Delinquency.' New York: Commonwealth Fund. Pp. 399.
- (4) HIRSCH, N. D. M. (1937). 'Dynamic Causes of Juvenile Crime.' Cambridge, Mass.: Sci. Art. Pub. Pp. 250.
- (5) HUSCHKA, M. (1943). 'A Study of Training in Voluntary Control of Urination in a Group of Problem Children', *Psychosom. Med.*, **5**, 254-65.
- (6) MCNEMAR, Q. (1949). 'Psychological Statistics.' New York: John Wiley and Sons. Pp. vii + 364.
- (7) MICHAELS, J. J., and GOODMAN, S. E. (1934). 'Incidence and Intercorrelations of Enuresis and other Neuropathic Traits in So-called Normal Children,' *Amer. J. Orthopsychiat.*, **4**, 79-106.
- (8) MICHAELS, J. J. (1938). 'The Incidence of Enuresis and Age of Cessation in One Hundred Delinquents and One Hundred Sibling Controls', *Amer. J. Orthopsychiat.*, **8**, 460-5.
- (9) MICHAELS, J. J., and GOODMAN, S. E. (1939). 'The Incidence of Enuresis and Age of Cessation in One Thousand Neuro-psychiatric Patients: With a Discussion of the Relationship between Enuresis and Delinquency', *Amer. J. Orthopsychiat.*, **9**, 59-71.
- (10) MICHAELS, J. J. (1940). 'Psychobiologic Interpretation of Delinquency', *Amer. J. Orthopsychiat.*, **10**, 501-9.
- (11) MICHAELS, J. J. (1941). 'Parallels between Persistent Enuresis and Delinquency in the Psychopathic Personality', *Amer. J. Orthopsychiat.*, **11**, 260-74.
- (12) SHELDON, W. H., with the collaboration of HARTL, E. M., and McDERMOTT, E. (1950). 'Varieties of Delinquent Youth.' New York: Harper and Bros. Pp. xvii + 899.
- (13) WECHSLER, D. (1944). 'The Measurement of Adult Intelligence.' London: Bailliere, Tindall and Cox. Pp. vii + 258.

## UNESCO SEMINAR ON YOUTH PROBLEMS

The I.S.T.D. was represented by Dr. T. Grygier at a seminar on youth problems organized in June, 1952, by the Youth Institute in Munich under the auspices of UNESCO. Among the experts taking part in the work of the seminar several specialized in the problems of maladjustment and juvenile delinquency, and there were several members of youth organizations, psychologists and social workers, with experience in the prevention and treatment of delinquency. The work of the I.S.T.D. and its publications, in particular the *British Journal of Delinquency*, aroused much interest.



## RESEARCH AND METHODOLOGY

(Continued from p. 46)

### CURRENT RESEARCH. XXV. NEURO-PHYSIOLOGICAL ASPECTS OF DELINQUENT BEHAVIOUR

(1) *Name of University or Government Department, Hospital, or other Institution or private person supplying the information:* The Burden Neurological Institute, Bristol.

(2) *Subject of Research:* Neuro-physiological aspects of delinquent behaviour.

(3) *Under whose auspices and by whom is the research being carried out?:* The Burden Neurological Institute. *Research worker:* Dr. Grey Walter.

(4) *Started:* December, 1949.

(5) *Publication:* Nothing so far published.

### XXVI. FOLLOW-UP STUDY OF MILITARY DELINQUENTS

(1) Dr. J. C. Penton, Army Operational Research Group, Surrey.

(2) Follow-up study of the subsequent military careers of soldiers released from a military corrective establishment.

(3) Army Operational Research Group, Surrey. *Research Worker:* Dr. J. C. Penton.

(4) *Started:* 1950. *Completion expected:* 1952.

(5) No results so far published.

### XXVII. PSYCHOLOGICAL ASPECTS OF MILITARY DELINQUENCY

(1) Dr. J. C. Penton, Army Operational Research Group, Surrey.

(2) The study of the association of military delinquency and certain factors ascertainable by clinical methods.

(3) Army Operational Research Group, Surrey. *Research Workers:* Mr. I. R. Haldane, Major Redfearn, Dr. J. C. Penton.

(4) *Started:* 1950. *Completion expected:* 1952.

(5) No results so far published.

### XXVIII. TREATMENT PRACTICE OF ENGLISH JUVENILE COURTS

(1) Dr. M. Grünhut, Reader in Criminology, University of Oxford.

(2) A statistical investigation of the Home Office returns of juveniles found guilty of indictable offences before Magistrates' Courts in the 134 Police Districts of England and Wales during the three years 1948-50, to be supplemented by an analysis of sample groups of case studies from selected districts.

(3) The research is undertaken with the support of the Home Office and the Board of the Faculty of Social Studies, University of Oxford. *Direction:* Dr. M. Grünhut. *Research Assistance:* I Period: Miss M. C. Grain, M.A.; II Period: Mrs. S. McCabe, M.A. *Fieldwork:* Miss Lightburne, B.A.

(4) *Started:* July, 1951.

(5) First progress report published in *The Magistrate*, June-July, 1952.

## NOTES AND CRITICISMS

FRENCH LEGISLATION RELATING TO DELINQUENT CHILDREN <sup>1</sup>  
*The Order of February 2, 1945, modified by the Act of May 24, 1951*

Juvenile Courts were set up in France by the Act of July 22, 1912, and a special judicial system for minors was thus brought into being. Unfortunately, the professional magistrates sitting in Juvenile Courts were not always qualified for their task, nor were juvenile cases ever the main part of their judicial work. Moreover, even though this Act placed the child outside the ordinary penal law, it did little to further the progress of correctional law of a socio-educational character.

The Order of February 2, 1945, profoundly modified the working of the Act of 1912. The Order stipulates in principle that sentence shall not be passed on a young person of less than eighteen found guilty of an offence or even a crime, but that he shall undergo a period of social readjustment. The principal methods employed are: reprimand, supervised liberty (which corresponds in its essentials to the Probation System of the Anglo-Saxon countries), placement in foster homes, centres for re-education, or open institutions. Certain exceptions are, however, laid down in the Order of February, 2, 1945. The delinquent minor of more than thirteen but less than eighteen years may receive a sentence which, generally speaking, may be either a fine or detention. The young delinquent in this case benefits from the extenuating circumstances of minority, which permit of his receiving a lighter punishment than would be awarded to an adult. Nevertheless, these extenuating circumstances of minority may be disregarded if the minor is more than sixteen. It need hardly be said that penal sentences must always be the exception. They are passed not only in view of the gravity of the deed, but also taking into consideration the personality of the offender. Not many delinquent minors are more intimidated by punishment or the threat of punishment (suspended sentence) than amenable to re-education by one of the means of social readjustment at the disposal of the Children's Courts.

Furthermore, the Order of February 2, 1945, provides for a Children's Judge, who is a professional magistrate specialising in the subject of child protection.

In most cases, it is the Children's Judge who conducts the judicial enquiry, an enquiry which has a bearing not only on the offence itself, but also on the personality of the minor. For this reason, an investigation of the social background should be carried out in every case by qualified personnel, and a psychiatric examination and thorough observation, usually made at Observation Centres though under open conditions, should also be ordered by the specialist magistrate.

The investigating magistrate for adult offenders nevertheless sometimes still finds himself dealing with special cases of minors, notably where the charge is of a serious nature, or in cases involving both adults and minors where it has not been possible to separate them at the beginning of the proceedings. In these mixed cases coming before the investigating magistrate, the separation of adult and young offenders is always made on completion of the investigation. The minor is sent before a Children's Court and the adult before the adult Court. Nevertheless, as we shall see, a different procedure is followed in criminal cases involving adults and minors between sixteen and eighteen years.

<sup>1</sup> Translated from the French by Joyce Ettridge.

Finally, this same Order modifies the working of the Act of 1912 in other no less essential points. A change is made in the composition of Children's Courts. The Children's Judge, who is a professional and especially qualified magistrate, presides over it, but he is assisted by two assessors who are not professional magistrates: they are persons chosen on account of their experience in matters relating to children.

According to a rule peculiar to French legislation, the Children's Judge conducts the preliminary investigation and afterwards tries the young offender. In certain cases, he may come to his decision alone and in the less formal atmosphere of his study. This is more especially so in cases of Probation. In cases where, on the contrary, placement in an institution is envisaged, and again in those cases where a penal sentence is liable to be passed, the Children's Judge refers the case to the Children's Court over which he presides. Needless to say only a very restricted audience is allowed in the Children's Courts, and that the proceedings are not published.

Finally, the Order of 1945 has created a body of Probation Officers who work in close collaboration with the Children's Judge in the organization and carrying out of Probation. In many cases, the Probation Officers will need to nominate a Voluntary Welfare Worker to ensure that the young offender undergoes the process of re-education and social adjustment implied in Probation. The French system is therefore based on the close collaboration of, on the one part, the probation officers who are the professional workers of the Probation Service, and on the other, the voluntary social workers who, though engaged in other professions, devote their leisure hours to the service of children.

What does the Act of May 24, 1951, contribute to French legislation on juvenile delinquency, of which we have just sketched the broad outline? While the Order of February 2, 1945, had fundamentally changed the previous legislation, the Act of May 24, 1951, leaves the structure of the Order of February 2 untouched. It only modifies certain points, which we shall now examine.

Firstly, it sets up Departmental Children's Courts. The scope of juvenile jurisdiction which hitherto had been limited to *Arrondissements* is now extended to the whole of the *Département*. This is a particularly fortunate innovation which should permit greater specialization of the Children's Judge, whose entire professional career will, in future, be devoted to questions relative to the legal protection of children. The Children's Judge, moreover, is obliged more and more to equip himself with a wide knowledge in the field of juvenile delinquency.

Secondly, the Act of May 24, 1951, creates the Court of Assizes for Minors. This jurisdiction deals with adolescents between the ages of sixteen and eighteen years, accused of serious crimes. According to the Order of February 2, 1945, these cases remained the business of the Children's Court, but this Court was reinforced by a criminal jury consisting of seven citizens chosen at random. Now, the Court of Assizes for Minors is presided over by a Judge from a Court of Appeal, sitting with two Children's Judges. The Court, thus constituted, is completed by the criminal jury.

With regard to delinquent children, this Court of Assize is empowered, as is the Children's Court, to order educational or detentional measures, but in criminal cases involving both minors of sixteen to eighteen years and adults, it has also the power to pass judgement on the latter. One realizes therefore why such a



court was set up: it was necessary to avoid separating the two categories of offenders in criminal cases of a particularly serious nature. The separation in such cases had often been in fact a cause of error and misunderstanding.

Thirdly, the Act of May 24, 1951, makes the procedure for the Children's Judge less formalistic, thus enabling him to conduct his investigation with simplicity and speed.

Fourthly, the new Act provides in the legislation for juveniles for the possibility of imposing punishment and placing on Probation at the same time. This is a particularly happy innovation. It may be an excellent thing for the minor to be fined and to be placed on Probation. It may be opportune to employ this system in certain cases where the Children's Courts feel they should impose, with the purpose of intimidating, a suspended sentence of detention. Finally, the designation of a Probation Officer will facilitate the rehabilitation of a number of juvenile delinquents who, though serving a term of imprisonment, are entitled, on liberation, to the social and moral support which will enable them to take their place again in the life of the community.

We hope in this brief survey to have sketched the essential aspects of present-day legislation in France for delinquent children. French legislation saves more and more children from punitive action and tends more and more in the direction of penal law of a reformatory nature. The child is judged less by what he has done than by what he is. On the other hand, present day French organization is based mainly on the institution of the Children's Judge. He is a professional magistrate who, in addition to his judicial qualifications, must be well versed in the psychological, pedagogical and bio-pathological problems presented by children. On the one hand he is a lawyer, on the other a social worker. It is on the strength of his professional qualifications that the Act of May 24, 1951, has allocated to him a competence extending over a whole *Département*; for the same reason the educational authorities under the auspices of the Ministry of Justice organize each year courses of several weeks' duration at which Children's Judges are instructed in all questions pertaining to the protection of children according to Social Science and Social Law.

JEAN CHAZAL,  
*Juge des enfants, Paris.*

#### INTERNATIONAL REVIEW OF CRIMINAL POLICY

This is the title of an important new periodical published by the Department of Social Affairs of the United Nations in New York. According to the Preface to the first number, dated January, 1952, it will be primarily devoted to the methods and techniques employed in the prevention of crime and the treatment of offenders. The Review proposes to place particular emphasis on bibliographical material and technical information. It will, for the present, be published twice a year, in January and July. The first issue contains mainly an account of the work of United Nations in the field of prevention and treatment of crime, a survey of the principal international non-governmental organizations working in this field, papers on International Criminal Statistics by M. Marc Ancel and on Work Colonies in the Union of South Africa by Mr. Louis van Schalkwijk, and a bibliography of 1,992 items of current periodical literature roughly covering the period from January, 1950, to January, 1951.

This Journal promises to become a worthy successor to the *Bulletin of the International Penal and Penitentiary Commission* which, after the winding up of the latter, has now ceased publication. No attempt can here be made to assess even in the most general terms the great work done in the fifteen volumes of the *Bulletin* under its distinguished Editors; it has, in the words of the last of them, Professor Thorsten Sellin, been 'a valuable source of information on new legislation, institutions and administrative practices in the treatment of offenders' (Vol. XV, November, 1951, p. 375).

H. M.

#### THE YUGOSLAV CRIMINAL CODE OF 1951

Although the new Yugoslav Penal Code came into force on July 1, 1951, its English translation, published by the Federation of Yugoslav Lawyers, does not yet seem to be available in this country. A full and admirably informative account of the main features of this most recent piece of penal legislation has, however, been published by Professor Richard C. Donnelly of the Yale Law School in the *Yale Law Journal* of April, 1952. In his introductory remarks, Professor Donnelly draws attention to the fact that, compared with Continental countries, the United States and Great Britain are lagging behind in their efforts 'to simplify, synthesize and systematize' their criminal laws; he adds, however, that the American Law Institute's pre-war efforts to prepare a model criminal code have recently been revived. Judging from Professor Donnelly's paper, on which the present Note is wholly based, the Yugoslav draftsmen, in conformity with Soviet legal theory of the 1930s, considered the Penal Code as an instrument for the development of socialism. It is, however, a socialism of a brand less rigid than either national socialist or Soviet criminal law. The use of analogy, for example, is prohibited and the traditional rule of legality established. On the other hand, it has been stressed by the Minister of Justice that this prohibition should not be interpreted as 'petrification into lifeless and static moulds'—'evolution, perpetual motion' should be the object of criminal justice.

With regard to points of detail, it is worthy of note that irresistible impulse is admitted as a defence, not however intoxication. Criminal responsibility begins at the age of fourteen, and a guardianship agency is competent to deal with younger offenders. The death penalty is retained for assassination, sabotage and counter-revolutionary activities and a few other crimes; it is never mandatory, however. Although imprisonment proper cannot be imposed for less than six months, there is a milder form, called detention, from three days to five years. The institution of legal and judicial Rehabilitation has been adopted on the lines of Continental legislation. Genocide, war crimes and crimes against humanity are punishable in accordance with the Genocide Convention and the Nuremberg Charter. Failure to come to the rescue of a person in danger of life is an offence ('good Samaritan' clause).

In his valuable conclusions Professor Donnelly puts forward a strong case for the idea of Rehabilitation and criticizes the failure of United States legislation to ratify the Genocide Convention.

H. M.

## VAGRANT CHILDREN (PROBLEMS IN EDUCATION—3)

(Paris: UNESCO 1951. Pp. 91. Price 2s. 6d.)

This UNESCO publication consists largely of national reports from Germany, Austria, Greece and Italy, written for an International Conference of experts held at Charleroi in October, 1949. Special emphasis is placed on the problem of juvenile gangs on which there is a particularly searching contribution by M. Chazal, the Paris Juvenile Court Judge. Advocating the use of probation for members of such gangs, he writes: 'We must work on the gang; we must treat the individual by treating the groups; reform must be effected simultaneously on a group and on an individual basis' (p. 51).

The recommendations are sensible, but as is usually the case at international conferences, too general to be of really constructive value. How far the conditions described in these reports are still prevalent in the countries concerned is an open question which might profitably be the subject of one of those future Conferences recommended in the Report.

H. M.

## THE LAW IN RELATION TO THE ILLEGITIMATE CHILD

*A Report of the Joint Committee on Psychiatry and the Law appointed by the British Medical Association and the Magistrates Association. (London: B.M.A. 1952. Pp. 25. Price 6d.)*

Although one or two of the statements of law in the Report of this Joint Committee are open to criticism, for instance, the statements as to the effect of death of the father of an illegitimate child, few would quarrel with the major recommendations of the Committee with regard to this branch of the law, which has been appropriately described as 'a disgusting patchwork as it stands'.

The Committee considers that the law is 'in urgent need for revision', and calls upon the Government to set up a committee of inquiry. It draws attention to various defects in the present law, such as the narrowness of the definition of those able to apply for a maintenance order (at present a married woman living with her husband is precluded from applying), the smallness of the maximum amount of an order, the absence of any High Court jurisdiction, and the difficulties created by the rules of evidence, especially relating to the requirement of corroboration. In this latter connection, it should be noted that since the Report was published the Court of Appeal, in the case of *Jeffery v. Johnson* [1952] 1 All E.R.450, has over-ruled the decision in *Johnson v. Pritchard* (1933) with regard to the use of letters from the alleged putative father as corroboration. Also it should be observed that a Private Member's Bill has recently been introduced in the House of Commons, called The Affiliation Orders Bill, the object of which is to increase the maximum amount and duration of maintenance awards.

The Committee was divided on the question of blood tests, and made no recommendation. With regard to the dangers to unmarried mothers and their children attendant upon their outcast status, the Report waxes quite eloquent. Poverty of the mother and neglect of the child, psychological and social difficulties of both, all these are discussed with vigour. There is one section which will be of particular interest to readers of this *Journal*, dealing with the question whether, because of the factors operating against them, illegitimate children are more likely than others to become juvenile delinquents. The conclusion reached by the



Committee, after examining various data, is that there is a greater risk of a child becoming a delinquent if he is illegitimate. The desirability is stressed for such a child to have 'an environment which as nearly as possible will overcome the handicap of its birth and satisfy its physical and mental requirements', and various possible ways in which such an environment may be achieved are examined.

We must be grateful to the Committee for having done a sound piece of work, and express the hope that its labours will not have been in vain.

E. HALL WILLIAMS.

ASSOCIATION OF HEADMASTERS, HEADMISTRESSES AND MATRONS OF APPROVED SCHOOLS TECHNICAL SUB-COMMITTEE

- (a) 'Misfits in Approved Schools.' (Monograph No. 1, March, 1952. Issued as a supplement to the *Approved Schools Gazette*, Vol. 46, No. 1, April, 1952. Pp. 8.)
- (b) 'After-Care in Approved Schools.' (Monograph No. 2, April, 1952. Issued as a supplement to the *Approved Schools Gazette*, Vol. 46, No. 2, May, 1952. Pp. 24.)

Since its formation in 1951, the Technical Sub-Committee of this Association has been concerned with the study of two of the most burning problems confronting present-day Approved Schools: the question of juveniles committed to them 'for whom the Schools are at present unable to make proper provision' and the system of After-Care. Their reports on these two subjects are valuable documents, bearing evidence of the progressive spirit of their members.

The procedure adopted by the Committee on 'Misfits' was to ask each member of the Committee to prepare a list of 100 consecutive admissions to their Schools, preferably 50 still in the School and 50 out on licence, altogether some 500 cases from five Schools. This case material was studied by the full Committee, and soon certain types of difficult children seemed to emerge. Although the Committee emphasizes that not every 'difficult' child is necessarily a 'misfit', it was only natural that they attempted to classify their cases according to the various types of difficulties they presented: behavioural, constitutional, or due to home and social circumstances. No figures are given to show the numerical frequency and distribution, and any statistical assessment would no doubt have shown a great deal of overlapping. Nevertheless, even a minimum of statistical information and a more detailed analysis of the case material might have been illuminating. While stressing the frequency of constitutional defects among delinquent children, the Report regards cases unable to benefit from Approved School training on account of such defects as rare. Absconders, naturally, play an important part, and a distinction is made between the occasional, the frequent and the persistent absconder. Psychopaths, although only a very small fraction of Approved School children, exercise a bad influence out of proportion to their numbers.

The recommendations of the Report are chiefly concerned with the persistent absconder who should be spotted at the Classifying School, and although no specific recommendation is made in favour of 'closed blocks' for them, the Committee feels that more experimentation is needed for this type. Moreover, investigations of psychologically abnormal delinquents should be more actively pursued, and such children should be segregated for special study.

The Report on After-Care is much more substantial and informative. A valuable account of existing methods of After-Care for Approved Schools and similar institutions is followed by a discussion of the guiding principles which combines wisdom, knowledge and commonsense. 'The important question is not *who* carries out after-care, but *how* it is carried out.' The controversy 'Probation Officer, Welfare Officer, Children's Officer, or who else?' is treated with admirable objectivity. The Committee stresses that prejudices which exist against any of the three categories mentioned are ill-founded, that the closest co-operation between them is needed, but that increasing use should be made of Probation Officers. The importance of better record keeping is recognized, and a cumulative form is recommended, beginning with the Probation Officer and passed on by him to Approved Schools, Borstals, and so on. The difficult subject of After-Care Hostels is discussed, and the Report, while fully conscious of the not too favourable experiences of the past, comes out in support of such Hostels or Homes in all big cities.

H. M.

RECIDIVISM AT THE HAWTHORNE-CEDAR KNOLLS SCHOOL. PREDICTED *versus* ACTUAL OUTCOME FOR DELINQUENT BOYS

By Bertram J. Black and Selma J. Glick. (*Research Monograph No. 2. Jewish Board of Guardians, 228 East 19th Street, New York 3, N.Y. Pp. 40.*)

Readers of Mrs. Glueck's article, 'Predicting Juvenile Delinquency', in Vol. II, pp. 275, *et seq.*, of this *Journal* will be interested in this Monograph, which attempts a validation of the Glueck prediction tables on boys from the Hawthorne-Cedar Knolls School in New York. The tables used for the test were taken from 'One Thousand Juvenile Delinquents', Chapter XI, and, in part, from 'Unraveling Juvenile Delinquency' (see *Brit. J. Delinq.*, 2, p. 283, Chart B). After a pilot study of 50 boys, a somewhat larger survey was made of 100 boys committed to Hawthorne in 1940-42 as delinquents. Although these boys differed in many important aspects from the 1,000 boys of the earlier Glueck study, the differences referred mainly to factors not used for the Glueck tables, and in view of the experience made in a previous validation study, the investigators regarded the differences not as important enough to make an application of the tables inadvisable. According to the tables from 'One Thousand Juvenile Delinquents', 64 of the Hawthorne boys had 92.6 chances out of 100 to become recidivists and another 19 had 83.1 such chances. A follow-up of the boys was then made in 1950 to ascertain their actual rate of recidivism and the latter was found to be considerably lower than the predicted one: 70 of the 100 boys had been successes, only 27 had committed further offences, and 3 had been admitted to mental institutions. A comparison was made of the actual recidivists and the non-recidivists, in particular with regard to the six factors of the Glueck table, and for three of them significant differences were found between the two groups. A further study of the relation of recidivism to the amount of clinical treatment received at Hawthorne revealed that intensity of treatment was closely related to success. The authors conclude that the Glueck tables would have been accurate predictors of recidivism 'without the intervention of suitable psychotherapy', and that the more favourable actual outcome was mainly due to the psychotherapeutic treatment given at Hawthorne.

It may be added that, according to information received from Mrs. Glueck, another validation study of the prediction tables has recently been made, using as material 100 of the cases from the Cambridge-Somerville experiment.

H. M.

COLLOQUE INTERNATIONAL SUR LES RAPPORTS DE LA MÉDECINE ET DE LA  
CRIMINOLOGIE

(*Société Internationale de Criminologie. Pp. 52.*)

In this pamphlet, the International Society of Criminology presents an account of the proceedings of an international Symposium held in Paris on April 28, 1951, under the chairmanship of its President, Dr. Carroll, on the relations between Medicine and Criminology. The subject is discussed from many points of view: Legal Medicine, Police, Psychiatry, Penology, and others. The problem of narco-analysis is also examined.

## CRITICAL NOTICE

DER FRÜHKRIMINELLE RÜCKFALLSVERBRECHER. CRIMINALITÉ PRÉCOCE ET RÉCIDIVISME. By Erwin Frey. (Basel: Verlag für Recht und Gesellschaft. Schweizerische Criminalistische Studien. Vol. 4. 1951. Pp. xx + 445. Price 46.50 Swiss Fr.)

REFORM DES MASSNAHMENRECHTS GEGEN FRÜHKRIMINELLE. LA RÉFORME DES MESURES PÉNALES À L'ÉGARD DES CRIMINELS PRÉCOCES. By Erwin Frey. (Basel: Verlag für Recht und Gesellschaft. Schweizerische Criminalistische Studien. Vol. 5. Pp. xi + 107. Price 13.50 Swiss Fr.)

Dr. Frey, for many years public prosecutor in the adult criminal court and juvenile court of the city of Basle and now professor of criminal law and criminology in the University of Zurich, has, in the first of these two monographs, produced a study which might in some ways be regarded as the Continental European counterpart to the Glueck studies. The main object of the second monograph is to draw the practical conclusions from that study for the reform of Swiss Criminal Law. In view of the importance of the first monograph and also because it is written in a foreign language a detailed analysis seems to be not out of place.

It is Dr. Frey's basic contention that there exists the closest inter-relation between juvenile delinquency and adult criminality and that the Swiss Penal Code and peno-correctional system, as those of many other countries, fail to recognize this fact and to draw the appropriate conclusions. There are, he argues, two categories of juvenile delinquents, the one, comprising at least 85 per cent. of the total, where the delinquent phase is mainly due to environmental causes and reaches its natural end at the age of eighteen at the latest, and the remaining 15 per cent. where delinquency is a symptom of a deep-rooted criminogenic disposition, leading, unless efficiently handled, to persistent and serious adult criminality. Given proper treatment, approximately three-quarters of the latter are likely to reform, whereas the other quarter, *i.e.*, roughly 3 to 4 per cent of the total of juvenile delinquents, have to be written off as incorrigible. The earlier a juvenile embarks on criminal activities the more likely is he to become a persistent offender. Early delinquency as such, however, is not an infallible criterion unless accom-



panied by early '*Verwahrlosung*'. Moreover, no endogenous or environmental factors can by themselves produce persistent criminality; only a combination of the two categories can do so. Nevertheless, the whole emphasis of the book is on the hereditary and constitutional side. It is in particular certain forms of psychopathy, and especially certain combinations of several forms, that lead to persistent criminality, whereas neither psychosis nor mental deficiency nor environmental factors are of any practical significance in this respect. Nature and nurture form a unit in that the milieu is determined by heredity and constitutional make-up. The individual does not simply drift into a certain milieu by accident; he chooses it in accordance with his personality type. Given adequate scientific examination, individuals thus tainted with psychopathic traits of a highly criminogenic nature can as a rule be recognized at the school-leaving age at the latest. This leads to one of the main topics of the study: the possibility of predicting recidivism.

The techniques employed by the author are statistical mass investigation, the more intensive observation of selected groups ('*Reihen-Untersuchung*'), and individual case studies. In his introductory statistical part he points out that on account of certain weaknesses of the Swiss Federal Criminal Statistics the material for his investigation had to be specially collected from cases dealt with by the authorities of the city of Basle. This material consists of eight groups, differing in size, age and criminality of population (see the list on p. 8). The first of the groups consists of 467 males (the whole study is limited to males), all of them '*verwahrlost*', who had been cared for by the authorities some time during the period 1912 to 1938 when they were between fourteen and eighteen years of age. Three hundred and three of them had been dealt with for delinquent behaviour, the others only as '*verwahrlost*', and it was found that, whereas the rate of persistent recidivism for the delinquent group was 26.7 per cent., that of subsequent criminal conduct of those without a history of early delinquency was only 3.7 per cent. It was also found that those early delinquents who had been sent to institutions had a higher rate of relapse (65.8 per cent.) than those who had been boarded out or left with their own families (46.2 per cent.) From this, the conclusion is drawn that the fact and the seriousness of early delinquency are highly predictive of subsequent recidivism. Similar results were obtained for a control group of 399 juveniles residing in various Swiss institutions between 1934 and 1936. The author has devised an interesting technique of measuring the intensity of recidivist activities after the individual's coming of age in terms of frequency, seriousness, and rhythm or tempo of reconvictions after discharge (pp. 77 *et seq.*) and also by means of a 'quotient of criminal intensity' (p. 263). However measured, those with a history of early delinquency (the '*frühkriminellen*') show a considerably higher intensity than the others. Already on the strength of these statistical differences the author forms the view that there is no link between the two categories, the '*frühkriminellen*' being constitutionally different from the rest. The commonly held view that an occasional offender may, through adverse environmental circumstances, drift into habitual crime is, in his opinion, entirely unrealistic (p. 86). There is here a certain similarity between Dr. Frey's thesis and that, for example, expounded in the late Dr. Kate Friedlander's '*The Psycho-analytical Approach to Juvenile Delinquency*', with the difference, however, that a psychological conception, the 'anti-social character formation' acquired in early

childhood, occupies in Dr. Friedlander's system the place held by constitutional-biological factors in Dr. Frey's book. It may be noted already at this stage that Dr. Frey's own figures do not seem fully to support the theory to which he gives so uncompromising expression. In a not inconsiderable number of his cases there is a fairly high intensity of recidivism even among those who are not '*frühkriminelle*' (see, e.g., Tables 18, 19, 24), which would indicate quantitative rather than qualitative differences between the two categories (implicitly admitted by the author on p. 73, fn. 13). There is, moreover, no explicit definition of '*Verwahrlosung*' in Swiss law (p. 63, fn. 10), and it is left to the judge to make the best of this difficult term when applying Article 91 of the Penal Code. Without further enquiries the possibility cannot be excluded, therefore, that the degree of '*Verwahrlosung*' may have been more serious in the case of the '*frühkriminellen*', and it can hardly be argued that the two categories had come from exactly the same kind of milieu.

The second part of the book is devoted to the more intensive study of smaller and more recent groups. There is in particular a group of 160 boys between fourteen and eighteen committed to reformatories in the years 1939 to 1948, for whom ample psychiatric reports and crimino-biological data were available. Cases where the information was regarded as incomplete were excluded. In the author's view it was a particular advantage that, with a few exceptions, he had conducted personally the preliminary investigations and kept in touch with these cases for long periods in his official capacity, and he is critical of studies where this personal link was absent. In his words, in each of these cases the possibility of future persistent criminality was considered right from the beginning, '*ab ovo*' (p. 96). This introduces two delicate issues of methodology: the question of the potentially unrepresentative character of the sample and that of unconscious personal bias. Incompleteness of the available information is frequently due, and might possibly have been due in this case, to the fact that on the point in question there was nothing to report of special interest to the investigator concerned, which in the present connection might mean that no evidence of constitutional-biological abnormality could be found. Again, very close personal and official contacts between the investigator and his case material might unconsciously affect the objectivity of his observations and interpretations. This is a dilemma that has to be faced by many research workers in our field and elsewhere, and it explains why in recent American researches, such as the Cambridge-Somerville study, the final evaluation of the material was entrusted to experts not connected with its original collection. Obviously, such a device may mean heavy additional expenditure, and Dr. Frey cannot be blamed for not using it. All the more, however, should he and his readers be on their guard when interpreting and evaluating his material. There is no doubt, on the other hand, that Dr. Frey's official position gave him many invaluable facilities not open to outsiders.

This group of 160 cases was divided into two sub-groups: those who by the end of 1948 were at least twenty-three years of age and had already been discharged from the institution for at least four years (75 cases) and those who did not fulfil these two conditions (85 cases). For the second group, no final prognosis ('*Endprognose*' = EP) was regarded as possible; and only the preliminary prognosis made in the course of the proceedings ('*Vorprognose*' = VP) was used. The first group, however, was followed up to the end of 1949 when the average

period after discharge was six and a half years and the average age almost twenty-six years. As control groups were used 83 non-criminal youths who had been sent to institutions in the same period on account of ' *Verwahrlosung* ' and also an unselected group of 70 serious recidivists. Further analysis of the material showed that of the 85 VP cases, 53, and of the 75 EP cases 39 were psychopaths, and that 27 of the 39 had become habitual and 10 occasional recidivists, whereas none of the 12 non-psychopaths had become habitual and only 5 occasional recidivists. From this the author concludes that whereas psychopathic offenders do not invariably become recidivists, on the other hand, all habitual criminals are psychopaths (p. 113), and that not psychopathy as such but only certain forms of it are highly criminogenic. Here follows a detailed discussion of the meaning of psychopathy. While on the whole adopting Kurt Schneider's well-known typology, the author claims for the non-medical criminologist and criminal lawyer the right to have his own views on the subject. Eliminating some of Schneider's types and concentrating on those most strongly represented in his groups of psychopaths he points out that the cases exhibiting combinations of highly criminogenic forms of psychopathy had become recidivists of a more serious brand than the others. Dr. Frey admits that even his painstaking classification may still be too crude, and the reader may in fact occasionally get the, perhaps mistaken, impression that an individual is called ' normal ' or a case of psychopathy classified as ' slight ' mainly because of the absence of serious recidivism (see *e.g.*, pp. 124 *et seq.*, 225, 231).

In his chapter on heredity the author criticizes, not without justification, the almost complete lack of scientific data on early childhood and hereditary factors in so many criminological investigations. For his own material of 160 cases he claims that the information at his disposal, though incomplete, was at least accurate and that it proves the very high positive correlation of bad heredity, especially of inherited psychopathy, and habitual recidivism. On the other hand, he utters a warning against undue pessimism which would ignore the dynamic elements of the human situation and the possibility of exceptions to the rule. It is of course hardly possible to criticize these sections of the book, entirely dependent as they are on the quality and interpretation of the case material. Compared with the treatment of psychopathy and hereditary factors, the chapters on environment, in spite of some good observations, seem to betray a certain lack of interest in the sociological aspects of the problem and a tendency to minimize the importance of unfavourable environmental factors or to deny their significance altogether.

In the third part of the book the author deals more specifically with the problem of early prognosis. He confirms the observation of other investigators that the common sense prognoses made by heads or staffs of institutions are correct usually in not more than 50 per cent. and stresses the possibility of more reliable scientific techniques. In his brief review of the more important American and German prediction studies he stresses, perhaps somewhat too strongly, their disappointing results which are due, he thinks, to the inadequacy of their data on early childhood and also to what he regards as faulty techniques, *i.e.*, the use of a number of isolated, in no way inter-related factors instead of a closely knit and logically coherent system. On account of the work of the former crimino-biological research centres he regards the German prediction studies, initiated by Exner,



as superior to the American ones, though as inferior to his own material. In an elaborate footnote, added after the completion of the study, attention is drawn to a number of similarities between the main results of 'Unraveling Juvenile Delinquency' and the author's findings. He criticizes, however, the quality of the biological and psychiatric data of the Glueck study, and in his view the unnecessary use of complicated statistical techniques, the device of keeping the psychiatrist in ignorance of the data collected by the other members of the team, and the attempt, which he regards as utopian, to predict on the strength of a bare six-factor scheme, delinquent behaviour of so far non-delinquent children. Dr. Frey's own predictive technique is basically a combination of an assessment of the personality as a whole ('*Ganzheitsbewertung*') and of the usual point system, with the proviso that there has to be a logical and criminological connection between each of the factors used. Two different forms of prediction are attempted: the one, of a preliminary nature ('*Vorprognose*'), as a rule worked out during the preliminary proceedings for offenders between sixteen and eighteen years of age (earlier prognoses are in Dr. Frey's view impracticable); and the second ('*Nachprognose*'), based mainly upon conduct and development during institutional life and while on licence, made not before the age of twenty-four has been reached and at least three years have elapsed since discharge. The author's prognostic table (pp. 326-8 and 341 *et seq.*) is in fact a systematic extract of the main contents of the records combined with a mathematical assessment according to good and bad points. The factors, or rather groups of factors, employed in this table are of a more general and less precise character than those used in most other schemes (*e.g.*, 'type of personality', 'home milieu'), and the significance of each factor is assessed by the author in accordance with his views on its general criminogenic value, *e.g.*, the factor 'leisure milieu' has a value ('*Basispunktwert*') of only 5, early criminality, however, one of 35. The intensity which each factor shows in an individual case is also measured by coefficients ranging from 1 to 5 (a highly criminogenic form of psychopathy, for example, receives the coefficient 4.5, whereas in a simple case of mental deficiency the coefficient for the factor 'personality type' might be only 1 or 2). When the individual cases had been scored it was found that for the 75 cases referred to above the prognosis was correct in 84 per cent., which is certainly an impressive result. As a control, intuitive prognoses for the same group without reliance on his scheme of points were made by the author which were correct in only 74.6 per cent. and showed more serious errors than those made under the points system. On the other hand, the author admits the presence of strong intuitive elements in his application of the point system (p. 335), and to the present reviewer the point prognosis as operated by Dr. Frey appears in fact only a somewhat less arbitrary and more systematic form of intuition. If a second research worker would have made an independent assessment of the same group of cases, a comparison of the results might have been of considerable interest as a test of the objectivity and 'repeatability' of the author's prognoses.

In an Appendix a number of detailed case histories is given which have been selected as typical and showing the characteristic traits of the recidivist. These histories are valuable and interesting, but in spite of the full material at the author's disposal he has occasionally to rely on what seems to be mere hearsay (*e.g.*, p. 354: '*auch in der übrigen väterlichen Verwandtschaft soll es zahlreiche*

*Sonderlinge und auffällige Charaktere geben* '), and sometimes it is difficult to accept his evaluation of a case, e.g., when on p. 364 the conditions of upbringing are called 'very favourable' and the next following sentence reveals that the offender had hardly known his seriously psychopathic mother and that his father had remained entirely unknown to him.

To sum up: This is an important work which will take its place among the foremost publications of post-war Continental criminological literature. The author's determination and enthusiasm, his skill and ingenuity in handling a large body of facts, deserve the fullest admiration, and his material and techniques are likely to provide ample food for discussion in years to come. To the present reviewer, some of his conclusions would have been more convincing if the author had been more aware of his own bias and of the subjective nature of some of his interpretations.

The smaller book, although mainly concerned with Swiss criminal law, contains a number of discussions of general significance, for example, on the age limits of criminal responsibility, on the special treatment required for youths over Juvenile Court age, on the need for a system of continuous recording and of separate 'personal files' to be kept separate from the Court files.

HERMANN MANNHEIM.

## REVIEWS

NEW HORIZONS IN CRIMINOLOGY. By Harry E. Barnes and Negley K. Teeters. Second edition. (New York: Prentice-Hall Inc. 1951. Pp. 887. Price \$5.75.)

In its second edition, this widely-known American textbook has been brought up-to-date and cut by nearly 200 pages. As a result of these cuts, the Reading Lists have disappeared. Individual chapters have been re-arranged and shortened. This applies in particular to the chapters dealing with Police and Court Procedure and similar aspects of 'Criminal Justice in Operation' also to the historical parts. On the other hand, new material and new pictures have been added, and a comment on the Kefauver Report is already included. Apart from the section on the Borstal system, there are very few references to English conditions. There can be little doubt, however, that the new edition is likely to be even more successful than the first.

H. M.

CRIMINOLOGY. By Stephan Hurwitz. (London: Geo. Allen and Unwin. 1952. Pp. 442. Price 50s.)

The author of this extremely useful textbook does not set out to develop any new approach, but rather to give a survey of the various parts into which the whole field of Criminology can be divided, and to give a brief account, supported by copious references, of the work that has been done in each. After an introductory section on method and history, we come to Part II on the 'Biological Background of Criminality'. Here are discussed the problem of 'hereditary taint' in all its aspects, the evidence for constitutional abnormalities in criminals, and the significance of psychic abnormality as a part-cause of crime. Part III,

on the 'Sociological Background of Criminality' is concerned with such factors as climate, political and economic structure, sex of offender, race and alcohol. In Part IV we come closer to the personality of the criminal, the influence of illegitimacy, broken homes, the school, bad companions and so on. Part V takes us on to the scene of action; the criminal situation is analysed, and the problem of the classification of crimes is debated. The last part deals with the various ways in which criminals have been classified and with attempts that have been made to establish satisfactory criteria for prognosis.

The amount of information about research findings is prodigious, and the only notable omission is the absence of any reference to electro-encephalography in connection with epilepsy and the so-called 'psychopathic personality'. This is a minor matter in comparison with the valuable information about Scandinavian and German research, which is not easily accessible to the English student.

Such a book serves a number of purposes. Its value for the student is obvious from the description that has been given of its contents. Perhaps even more valuable is the challenge it presents to the criminologist himself. He is bound to ask himself, when he reads such a compendium of research: what lines of development are the most hopeful? We now know that we cannot say that all criminals have a dubious inheritance, we cannot say that they are all mad, we cannot say that they all come from broken homes, nor can we say that they are all forced into crime by economic pressure. In fact we know now a great deal about what we cannot say. Of course we *can* say that there is a risk attaching to a pathological inheritance, to a pathological condition, to having too few wits, or to having unkind parents and so forth, but that does not carry us far. What we want to know, surely, is how these factors which frequently recur do play their part, *when they do*, in individual cases. We want to know the ways in which criminality fits into the personal structure of criminals: as a symptom? as part of a sub-culturally accepted course of action? as an alternative career? or as a sign that inhibitions, which might have been expected from a cultural point of view, have not been implanted? Such a psychological approach, related to different types of crime, would seem to be the most promising line of advance. It is here that we find but little help from Professor Hurwitz. He admits the importance of criminal psychology, but he devotes very little space to it. There is a great deal about psychopathology and crime, but all too little about the 'normal' criminal, who is after all far more interesting than the lunatic. Statistical investigation into the incidence of the well-known factors to which, from time to time, 'all' crime has been attributed is of value in so far as it tells us the sorts of things to look out for, but we shall not get very much further until we have a satisfactory theory of personality development in terms of which the significance of such factors can be understood.

W. J. H. SPROTT.

DEFENDER'S TRIUMPH. By Edgar Lustgarten. (London: Allan-Wingate Ltd. 1951. Pp. 239. Price 10s. 6d.)

There appears to be an insatiable demand for books about famous trials, especially murder trials, and a never-ending supply of such books, which are usually written by enthusiastic and imaginative authors with a gift for squeezing the last ounce of drama out of the often tedious reports available of the events



and proceedings in these cases. Mr. Lustgarten stands high in the ranks of such writers, not only for his ability to set the scene in court and reconstruct the atmosphere surrounding a famous trial, but also for the quite remarkable descriptive powers which he applies with great effect to persons and places. It would be uncharitable to complain that his descriptions are occasionally overdone.

The book contains an account of four murder trials, in each of which the acquittal of the accused may fairly be attributed to the ability of the defending counsel rather than to any other factor. The author's purpose appears to have been to demonstrate the part which skilful advocacy can play in preventing injustice which may otherwise be done when circumstances have conspired to produce an extraordinarily strong case against the accused.

As we follow the course of the trials of Adelaide Bartlett (defended by Edward Clarke), Robert Wood (defended by Marshall Hall), Elvira Barney (defended by Patrick Hastings), and Tony Mancini (defended by Norman Birkett), we cannot help being tremendously impressed at the immense achievement of these great defenders, who triumphed against such overwhelming odds. Yet, as Mr. Lustgarten very ably observes, each advocate was quite different in his emotional and intellectual approach to his task, each invoked different qualities to surmount the obstacles which confronted him. One of the most interesting features of this book is the way in which it clearly demonstrates how advocacy has changed since Victorian days.

Other noteworthy features are the accounts of the various duels between advocate and expert witness, which should be of interest to those who have served or are likely to serve in either capacity, and the comments on the value of the right to the last word, and the (more doubtful) value of the right of the prisoner to go into the witness box and give evidence.

Perhaps one may be permitted to inquire how much of the novelist is required for such writing as this. It is certain that to make the most of an account of any famous trial, a well-developed imaginative sense and a literary pen are most useful. Anyone who cares to compare the account of the trial of Elvira Barney given in this book with that written by Sir Patrick Hastings himself, in his 'Cases in Court', will readily perceive wherein lies Mr. Lustgarten's strength, and, maybe, his weakness.

J. E. HALL WILLIAMS.

HANDBOOK OF CHILD LAW. By John Stevenson and Laurence Hague. (London: Pitman. 1952. Pp. xv + 533. Price 40s.)

This book, as its sub-title explains, is a handbook for school attendance officers, and consists of a collection of statutes likely to be of value to those officers and to officers of Children's Committees. The statutes are well selected and are adequately noted. There is an interesting article on sickness as an excuse for non-attendance at school. The book makes no claim to be a scientific study of any aspect of delinquency. It is a handy book of reference for those officers for whom it is written, but is not suitable for students training in delinquency work on account of the inclusion of a great deal of material irrelevant to those studies, and of the omission of the provisions of the Criminal Justice Act, 1948, except in so far as they repeal or amend statutes included in the text. There is no mention of probation, or of the use of probation homes or hostels.

L. G. BANWELL.

HOMICIDES AND SUICIDES IN FINLAND AND THEIR DEPENDENCE ON NATIONAL CHARACTER. By Veli Verkko. Preface by Thorsten Sellin. Scandinavian Studies in Sociology No. 3. (Copenhagen: G. E. C. Gads Forlag. 1951. Pp. 189, with 31 illustrations and 4 maps. Price 30s.)

This book by the eminent Finnish sociologist and criminologist is a revised and enlarged edition of a study published in 1949 in Finnish under the title: 'Your Neighbour's Life and Your Own'. It is dedicated 'to the memory of the men who 200 years ago planned the excellent vital statistics of Sweden-Finland and attached to them the information on deaths by crimes of violence, and on suicides', and it is with justifiable pride that the author recounts the history of these Finnish statistics from 1754 onwards (general criminal statistics began in Finland only in 1842). This material, which he regards as unique in the world, is used by Professor Verkko for a detailed study of the effect of the Finnish national character on crime of violence over 200 years, in particular in comparison with the corresponding, persistently much lower, Swedish figures. From the fact that the victims were mostly males, Verkko, implying that homicide of women and by women is usually deliberate, concludes that most of the homicides in Finland must have been unpremeditated. All this, the author thinks, is 'not surprising when set against the background of our historical conditions'; the great frequency of crime of violence except that of murder (which is independent of alcohol) is due to the 'poor ability of Finns to hold alcohol'. This inability is 'perhaps the most important negative aspect of Finnish "*sisu*"', i.e. 'our tendency to get into a temper', whereas the positive side of the '*sisu*' is perseverance.

The author then proceeds to the formulation of two criminological laws, the one static and the other dynamic: according to the static law 'in countries of high frequency of crimes against life the female proportion of those killed is small, and *vice versa*'; according to the dynamic law increases in the amount of crime against life affect mainly the number of male victims. These laws apply not only to the victims but also to the perpetrators of such crimes. Female crime against life is a constant, male crime fluctuates according to the changing consumption of alcohol. The subject of alcohol, national character and 'tribal characteristics' is pursued in considerable detail on a comparative basis in several of the subsequent chapters (Finns versus Swedes, rural versus urban areas, etc.). Although he shows that the impact of those 'tribal characteristics' has been reduced in the present century, the author emphasizes their permanent nature by relating them to Kretschmer's constitutional types: Finns have a 'viscous' (not 'vicious') temperament which, according to Kretschmer, is prone to acts of violence; in their constitutional type and in their temperament they differ from their Western neighbours.

In the remaining chapters the problem of suicide is treated in the light of international figures and with full discussion of the sociological literature. The theories of Durkheim, Ferri, Tarde, Morselli and others are critically reviewed, and it is shown that Morselli's widely accepted theory of the negative correlation between the frequency of homicides and that of suicides is valid, if at all, only in countries of Southern Europe. In Finland, the incidence of suicide, as of homicide, is altogether dependent on changes in alcohol consumption.

This is a work of considerable learning which makes some valuable contributions to our knowledge of both homicide and suicide from the statistical and

sociological point of view. Problems of individual psychology were outside the author's frame of reference. Even if his emphasis on constitutional factors in national character and their effect on crime should not find general support and further research should throw doubt on the universal validity of his two criminological laws, there can be no doubt that his interesting material and his careful way of reasoning will establish for this study a lasting place in the history of the subject. Our thanks are due to the editors of the series for publishing a competent translation of the book.

H. M.

SEX OFFENSES: THE PROBLEM, CAUSES AND PREVENTION. By Manfred S. Guttmacher. (New York: W. W. Norton and Co. Inc. 1951. Pp. 159. Price \$2.50.)

The author, who for many years has acted as psychiatric advisor to the Supreme Bench of Baltimore, set himself the task of providing scientific information regarding sexual offences, their pathology, clinical form, treatment and prevention, for the use of those whose interest in these subjects is frequently clouded by prejudice and impeded by lack of reliable information. It may be said at once that he has achieved this particular purpose with conspicuous success; indeed that the book can be read with advantage also by lay workers in the field of delinquency and that the section on pathology is suitable for consumption by general psychiatrists. One may demur perhaps at his inclination to add to the list of 'sexual' offences on the ground they have an *occult* sexual origin conditions such as kleptomania and pyromania. By a parity of reasoning the common psycho-neuroses would qualify as sexual perversions.

The section on clinical aspects is useful for purposes of general orientation but being largely descriptive gives little insight into the essential etiology of the conditions described. For the same reason the section on treatment and disposal, although useful as a descriptive record (which incidentally gives the British reader an illuminating account of variations in the systems practised in the U.S.A.) says little or nothing of the deep factors involved in all forms of therapy. It contains, incidentally, a memorable sentence. 'As the date of Eugene's hanging grew nearer, his verbal productions became abnormal much of the time. The penitentiary psychologist felt that much of this was frank malingerer.'

Readers of this *Journal* will be interested to know that the author is wholeheartedly in favour of founding throughout America institutes on lines similar to those first indicated and followed by the I.S.T.D. in Britain.

E. G.

CRUELTY TO CHILDREN. By Eustace Chesser. (London: Victor Gollancz Ltd. 1951. Pp. 159. Price 10s. 6d.)

Pursuing his policy of writing a series of books on the practical aspects of social psychology, in particular the problems of love and marriage, Dr. Chesser has now turned to the increasingly urgent problem of cruelty to children. The author is careful to include and classify the various forms of mental cruelty, although in his case illustrations he has, perhaps unfortunately, documented the physical more fully than the mental aspects of the problem. The book is clearly, persuasively and sensibly written and should be included in the reading lists not only of parents and social workers but of all who recognize that cruelty to children is not only a problem in pathological behaviour but a potent source of delinquent reaction on the part of the victims.

E. G.



CLUB LEADERSHIP TODAY. By Basil L. Q. Henriques. (London: Geoffrey Cumberlege, Oxford University Press. 1951. Pp. xii + 316. Price 10s. 6d.)

This is more than a new edition of the well-known manual for club leaders. It is an entirely new book, taking into account social conditions, legislation, attitudes and outlook of post-war Britain. What remains is the same practical approach and commonsense of the author, linked with his idealistic belief that a good youth club will help the boy to mould his character and keep him out of delinquency.

T. GRYGIER.

EDUCATIONAL PSYCHOLOGY. By J. M. Stephens. (London: Constable and Co. Ltd. 1951. Pp. xxv + 692. Price 35s.)

This is a systematic and lucid exposition of the principles of educational psychology. The sections on intelligence, on scholastic attainment, on learning, memorization and transfer of training are particularly useful to the student. The writer, however, in accordance with the modern view of education as education for citizenship, has devoted a considerable section of the book to the emotional and social development of the child, and the ways in which these can be aided by the school and the teacher. In the exposition of this section he has been less happy. It should rightly be the concern of the teacher to know and understand the stages of normal development in childhood, but it should equally be her concern to know something of the nature of behaviour problems, of their causation and of how the teacher can help the child to deal with them. Although about a fifth of the book is devoted to personal and social growth one might imagine, for example, that the average teacher will hardly ever see any children whose normal growth pattern is seriously disturbed: in particular that she is unlikely to need to know much about the personality of the young delinquent, or about the factors which cause delinquency, or even of the ways in which she might assist the child manifesting this type of behaviour disorder.

What information is given about the young delinquent is not likely to add a great deal to the knowledge of the student using this book. We learn that the intelligence and scholastic attainments of young delinquents are in general below the average. It is, however, rightly pointed out that intelligence cannot by itself be of general importance, since sibs of delinquents and children of the same social stratum from which delinquents most generally come may also be of low intelligence. Reference is then made to possible other factors. For example, we are told that 'we find the delinquents less well adjusted than their brothers and sisters' (p. 550). This point is, however, developed in an unsatisfactory manner in the following scant statement: 'It would be most dangerous, of course, to conclude immediately that lack of emotional or personal adjustment is a cause of delinquency. The causal relations might well be reversed, in that delinquency could lead to insecurity, nail-biting, or excessive movie attendance. Or the same defect which caused the emotional disturbance may also have led to delinquency.'

We find no mention made of the possible causes of poor adjustment, of the psychological climate of the home, and even such a topic as delinquency areas is afforded the briefest possible treatment.

Although this text-book will probably be of considerable value to the teacher-in-training when information is sought regarding the intellectual processes, it

will not be of much service to those who wish to know more about how and why children in and out of the class-room behave as they do—in particular what makes some children delinquent and some law-abiding young citizens.

GERTRUDE KEIR.

SOCIAL EXPERIENCE IN THE JUNIOR SCHOOL. By Edith B. Warr. (London: Methuen and Co. Ltd. 1951. Pp. ix + 118. Price 7s. 6d.)

The first part of the book is a description of the social reactions of a group of children at play between the ages of four and a half and six years. It describes in detail the way in which the spontaneous play of the children developed into group activity—into the making of a house, a shop, a food office and a caravan. They were ‘spontaneously and freely learning to live together under the guidance of wise and understanding adults’. Some remained individualists and some anti-social, but the children learned to deal with the non-co-operators in their own way—by leaving them to their own devices or by pressing a job on to them and by sturdily resisting any interference likely to wreck their own plans.

The value of this type of social experience is made clear throughout the book. Leaders emerged who showed real organizing ability and wisdom in enlisting the support of the younger children. Difficult children discovered a way by which they could contribute, and when their efforts were well received began to adjust to the group as a whole. Boastful children learnt that deeds speak louder than words, and found that social recognition could be won best by useful achievement. As the children became older, it was clear that they were becoming more tolerant, and though often aggressive in argument, they were less frequently aggressive in action. Gradually they came to feel themselves members, not of a small group only, but of the school. Inter-class relations are stressed, and group projects became not only of interest to the group engaged on them, but also a form of service to the whole school.

Miss Warr describes how loyalty to something larger than the age group can be fostered by linking the life of the school with the life of the larger community outside the school. She bases her teaching method on her sound knowledge of the Junior School child—his zest for exploring, his love of adventure, his realistic approach to his environment, and she gives vivid examples of her teaching method in practice. As she so rightly says ‘the best training in citizenship we can give at the Junior stage is some knowledge of the corporate life of the neighbourhood in which the child lives and the chance of doing a job to help’. The need to gain knowledge of the district in which the child lives and his need to contribute towards its welfare and happiness by some form of service is stressed. If this attitude can grow naturally out of the child’s interest in acquiring new experiences delicately fostered by a ‘wise and understanding adult’ we have here perhaps one of the most important preventive measures against delinquency. The child who can gain satisfaction from worthwhile achievement and recognition of small services to the community is less likely to need satisfaction from delinquent adventure.

AGATHA H. BOWLEY.

---

PSYCHOLOGY AND ITS BEARING ON EDUCATION. By C. W. Valentine. (London: Methuen and Co. Ltd. 1950. Pp. xviii + 674. Price 18s.)

Professor Valentine, Emeritus Professor of Education in the University of Birmingham, is a well-known author with many books to his credit and a long experience of teaching in schools, training colleges, and university education departments. In this book he aims to provide an introduction to the study of psychology for teachers, youth leaders, social workers, students and all those interested in education.

It is a book which will prove very useful to all students of psychology. It includes only material of general agreement among psychologists and therefore has certain limitations. It aims to clear up certain misconceptions, to clarify concepts, to define technical terms, where used, with precision, and to give a comprehensive account of general psychology with special reference to the teacher's needs. The sections on intelligence and group abilities, on learning and remembering, on modern views on mental abilities on æsthetic education, on the training of reasoning, and on educational guidance contain valuable material, are well documented and clearly written. Examples of actual investigations carried out in schools and among young people are particularly interesting. The chapters on adolescence are well worth reading, being based on scientific study and practical knowledge.

But fundamentally I feel the approach of this book is unsatisfactory. Individuals concerned with children, whether as teachers, youth leaders or social workers are, or should be, primarily interested in children, and to my mind it would be better to re-orientate the book, commencing with the consideration of the child, the particular, and proceeding to the theoretical and academic material, the general. The interest of the reader, would, I think, be held more fully by this method. Far too little information is given concerning young children and the relation of later development to early development is insufficiently stressed. The child is considered primarily as a pupil and his family relationships and his home background which have such far-reaching effects on his development and on his school performance are hardly considered at all.

Valentine pays homage to McDougall and to Burt especially and is extremely critical of psycho-analysis, the theories of which are mainly dismissed as nonsense or exaggeration. At the same time he does admit some truth in Freudian doctrines and states that 'these new ideas have been an enormous stimulus to psychology in recent years, and it is an undoubted fact that they have helped in curing many minor mental disorders'. Readers are likely to regard Valentine's exposition of psychology as sound and safe, but one feels he tends to miss the essentials of this new science.

The section on delinquency is brief, and the discussion on causation very limited, but probably it is wise in a book of this type to stress normal development rather than abnormal, though the two are so closely related.

It is probable that this book will be used as a text-book in training colleges. One hopes that it will in fact prove an introductory and a reference book primarily, and as such will be very useful.

AGATHA H. BOWLEY.



A DICTIONARY OF PSYCHOLOGY. By James Drever. (Harmondsworth: Penguin Books. 1952. Pp. 316. Price 3s. 6d.)

For most readers who grumble about the technical jargon of scientific papers, including those published in this *Journal*, this little book is a *must*. Technical terms are defined and explained in a very concise and lucid manner. Whenever another term is used in the definition this is clearly indicated and this new term or phrase can be found in the Dictionary in the appropriate place. As in all dictionaries and encyclopedias the simpler the word the more involved and useless its definition. Already the definition of God as 'an object of worship' does not add much to our understanding of divinity, but it is at least short and simple; if we want to know what 'red' means it would be much simpler to have a look at the red cover of this book than to follow the definition which is long, complicated and full of technical terms much less vivid than this innocent little word. But we do not look up a dictionary of psychology to find out about colours or gods. For terms used in psychology and related fields this book serves its purpose admirably.

T. GRYGIER.

LEHRBUCH DER PSYCHOLOGISCHEN DIAGNOSTIK. By Richard Meili. (Berne: Hans Huber. 1951. Pp. 372. Price Fr. 24.)

DER BAUM-TEST. By Karl Koch. (Berne: Hans Huber. 1949. Pp. 88 + 96 illustrations. Price Fr. 8.)

LEHRBUCH DER RORSCHACH—PSYCHODIAGNOSTIK FÜR PSYCHOLOGEN, ÄRZTE UND PÄDAGOGEN. By Ewald Böhm. (Berne: Hans Huber. 1951. Pp. xxiii + 406 + 10 plates in folder. Price Fr. 36.)

Dr. Meili's book is a new edition of his well-known 'Introduction to Psychodiagnostics' which has been re-edited and enlarged, and can now serve as a complete textbook of the diagnostic methods of psychology. The main stress is laid on critical interpretation of test results. Methods of checking the validity of tests are described in detail and the possible dependence of test results on educational, emotional, and social factors is emphasized. The technique of a number of tests is explained in an appendix. Of special value is Dr. Meili's clear outline of the statistical principles applied to psychology.

The Baum-Test is one of the recent examination methods which have become popular in Switzerland. The examinee is asked to draw a fruit tree and the drawing is interpreted according to graphological and characterological principles. A careful evaluation of the validity of this test and its correlation with other projection tests will be necessary before it can be accepted as a standard method.

Amongst the extensive 'Rorschach' literature available to-day, Dr. Böhm's book is probably the most up-to-date survey of Rorschach diagnostics as a method of character diagnosis. His book is meant as a teaching manual for the beginner as well as the advanced student. To achieve this Böhm has introduced a system of marking the text by a heavy line along the edge for the benefit of the reader new to the matter, while the advanced reader is expected to read through the whole of the text. The book is based on the 'classical' Rorschach psycho-

diagnostics as still taught in Switzerland, and in various chapters the differences from the American method are described and discussed.

Bohm himself has added a number of well-chosen diagnostic criteria which are tabulated and explained in detail; of special value is his short and lucid survey of the present conception of neuroses based on the teaching of Rudolf Brun, and of the psychogenic psychoses. The application of the Rorschach test to mentally normal and to abnormal individuals is described exhaustively and a separate chapter is devoted to its use with children. There are thirty-one cases presented in detail, and the book closes with Bohm's valuable attempt to create an international system of Rorschach notation based on Latin, to replace the various 'national' ones in use at present. A very good feature of the book is the appendix of ten auxiliary tables enabling the examiner unmistakably to indicate the localization of the answers he receives. No comprehensive library on the Rorschach test can afford to be without Bohm's work and we hope that an English translation will be available soon.

K. F. HIRSCH.

INTELLIGENCE AND INTELLIGENCE TESTS. By Rex Knight. (London: Methuen and Co. Ltd. 5th edition. 1950. Pp. vii + 96. Price 4s. 6d.)

This little book is exemplary in its brevity and clarity. It gives the most essential theories of intelligence and describes the construction and applications of intelligence tests. It mentions briefly the relationship of intelligence to such factors as age, sex, physique and character, but this part is really too compressed to be satisfactory.

T. GRYGIER.

THE ENVELOPE. A Study of the Impact of the World upon the Child. By James S. Plant. (New York: The Commonwealth Fund. London: Geoffrey Cumberlege. 1950. Pp. x + 299. Price \$3 or 24s.)

The rather curious title of this book, whose author was, until his death in 1947, for twenty-five years Medical Director of a Child Guidance Clinic in New Jersey, refers to 'the individual's means of protecting himself from the social trends, or of utilizing them to enrich and work out his goals'. This 'envelope' is a property of that part of the personality which is in touch with the environment; it operates both at the level of intake, in determining what we perceive and in giving what we perceive meaning for us, and at the level of output, in determining our methods of reacting to the moulding forces about us.

The whole book is concerned with the activity of the envelope in trying to solve certain problems, twenty-one in all, to each of which a chapter is devoted. They include Security, Authority, Adequacy, Sibling Rivalry, Heterosexuality, and so on. Problem behaviour arises when their solution becomes too difficult; stealing, for example, is 'one of the many ways in which the child attacks problems of growth and adjustment'. Stuttering and enuresis develop around the problem

of 'Cadence', or, in other words, when the child is urged to mature at a rate too fast for him.

Such etiological formulations seem rather general or even trivial, and it is only fair to the author to say that this is not intended to be a clinical study, but rather to form a sort of preface to a social psychiatry of the future by emphasizing at every turn the inadequacy of trying to consider the individual apart from the social trends impinging on him at any given moment. In this it seems entirely successful. The defect of the book, however, is that social trends seem to be pictured as having only a quite direct effect. For example, 'financial depressions involving unemployment and a smaller flow of money place a heavier load on family relationships and so increase family tension'. No consideration is given to the unconscious anxieties and guilts which might well be stimulated by catastrophic loss of money. The whole emphasis of the book, in fact, is sociological rather than psychiatric.

W. D. G. ROBSON.

## ABSTRACTS AND REFERENCES

(Under the direction of W. R. Bett with the co-operation of John C. Spencer and E. Hall Williams.)

### CRIMINOLOGY AND SOCIOLOGY

SIDNEY AXELRAD: 'Negro and White Male Institutionalized Delinquents', *American Journal of Sociology*, 1952, **57**, 569-74.

Existing literature reveals differences in the incidence and treatment of Negro and White delinquents, but it is not known how these two groups differ except in certain obvious respects. This research represents a study of the case records of 300 institutionalized delinquents in an attempt to determine some of the differences between the two groups. All the delinquents committed to the institution in question were between the ages of ten and sixteen. The study showed that Negro children are committed younger, for less serious offences, with fewer previous appearances in court, and were less institutionalized. It was also shown that Negro children came from a less stable family background and from homes where there was more desertion, neglect, separation, rejection and sexual promiscuity.

J. C. S.

WILLIAM WATTENBERG and JAMES BALISTRERI: 'Automobile Theft: A Favoured-Group Delinquency', *American Journal of Sociology*, 1952, **57**, 575-9.

The authors attempted to study the implications of 'white-collar criminality' among juvenile delinquents, contending that it is not the fact of criminality but the form of it which varies with socio-economic level. For research they selected



the offence of automobile theft. Two hundred and thirty boys involved in this offence were compared with 2,544 charged with other offences. In contrast to other boys charged by the Detroit police with misconduct, boys charged with automobile theft came from good neighbourhoods and favoured ethnic groups. Their peer-group relationships were good. As regards family relationships, school adjustment, and religious training, the two groups were similar. In their summary the authors suggest that the common factor was a personality structure which readily accepted the values of immediate associates but responded weakly to the rules of larger adult-dominated social entities.

J. C. S.

J. R. DUMPSON: 'Gang and Narcotic Problems of Teen-Age Youth', *American Journal of Psychotherapy*, (April) 1952, 6, 312-46. (Conclusion; 8 references; discussion.)

Opening address by J. R. Dumpson, Child Care Consultant, Federation of Protestant Welfare Agencies, and Vice-Chairman, Committee on Use of Narcotics Among Teen-Age Youth, Welfare Council, New York, at a symposium held by the Association for the Advancement of Psychotherapy, November 30, 1951, with discussion.

W. R. B.

#### PENOLOGY AND TREATMENT

P. MARABUTO: 'The Scientific Examination of the Delinquent', *International Criminal Police Review*, (April) 1952, 7, 98-103. (Summary; 12 references.)

Report of the United Nations' European Seminar, Brussels, December 3-15, 1951.

W. R. B.

*British Journal of Psychiatric Social Work*, (June) 1952, Number 6.

Although none of the six articles in this Journal is particularly concerned with delinquency, the contributions are of considerable interest. Mrs. Shapiro discusses the value in the training of child care students of casework with large families as a means of understanding 'normal home life'. Dorothy Munro describes an experiment in the use of Group Methods with Parents in a Child Guidance Clinic. The function and use of relationship between client and Psychiatric Social Worker is the subject of two articles by Mrs. Elizabeth Irvine and Miss Bree.

J. C. S.

R. W. WHITE: 'The Dangers of Social Adjustment', *Medical Press*, (July 2) 1952, 228, 9-15. (Summary; 4 references.)

According to Dr. R. W. White, Lecturer on Clinical Psychology, Harvard University, social growth can only be injured, not promoted, by adult pressure; much of it takes place in imagination; it is promoted by strong interests, not necessarily social, which can be shared with others similarly interested. Parents should be made to realize the constructive work that goes on in imagination, the creative use that can be made of solitude.

W. R. B.

MLLE J. HERTEVENT: 'Social Service in French Prisons', *Howard Journal*, 1952, 8, 181-5.

The Director of Social Service in the French Prison Administration describes the organization and function of social workers in the French prison system. The first experiment began in Paris in 1945, and the total number is now 230 workers for 242 establishments. The worker has a dual responsibility—welfare work for the prison staffs, and for prisoners over seventeen years of age. She follows up her work inside the prison by further activities outside. Only holders of the State Social Study Diplomas with several years of practical experience are recruited.

J. C. S.

HUGH KENYON: 'The Concept of Shared Responsibility in Borstal Training', *Howard Journal*, 1952, 8, 189-98.

The Governor of a Borstal Institution discusses the concept of shared responsibility in the creation of a well-ordered community life. He stresses the all-important factor of fitness for release and the value of making the decision as to when the inmate shall be released a shared experience between inmates and staff. The setting-up of an inmates committee consisting of members elected by the inmates, and the Governor and Chief Officer sitting *ex-officio*, is an interesting experiment in shared responsibility. It helps to bring staff and inmates into closer contact and provides a legitimate channel for complaints. It breaks down the resistances and defences between boy and staff.

The author quotes verbatim extracts from the Minutes of a House Committee meeting.

M. GRÜNHUT: 'Juvenile Delinquency: Research into Methods of Treatment', *The Magistrate*, 1952, 9, 201-2.

This article is a preliminary report on a recent Oxford research project carried out with the active support of the Home Office. The author pleads for the support and interest of magistrates in the investigation which is in search of two unknowns, the specific intensity of delinquency in particular districts and the diversity of treatment practice in the courts. Home Office returns for the period 1948-50 in the 134 police districts of England and Wales were examined, and an examination of the statistical evidence revealed some interesting divergencies both in delinquency rates and in treatment. The statistical interpretation of the Home Office returns will be supplemented by an analysis of several series of case-histories of juvenile delinquents.

J. C. S.

W. F. ROPER: 'The Attitude to the Prisoner', *Howard Journal*, 1952, 8, 158-65.

The modern attitude to the prisoner is one of trust and freedom within the limits set by the prisoner himself. To go beyond this limit is to court reaction. The successful introduction of psychological work into the prison depends on an understanding by the workers of the function of punishment and of the task of the disciplinary staff. The development of the scientific attitude to correction depends on increased research.

J. C. S.



HENRY P. CHANDLER: 'Latter-Day Procedures in the Sentencing and Treatment of Offenders in the Federal Courts', *Federal Probation*, 1952, **16**, 3-12.

In this article, which is a reprint from the October, 1951, issue of the *Virginia Law Review*, the Director of the Administrative Office of the United States Courts discusses the place of sentencing in the business of the Federal Courts and the change in philosophy that has taken place. There is some difference of opinion among federal judges as regards the disclosure of pre-sentence reports to the defendants. One of the most important changes in the administration of criminal justice in the federal courts has been the adoption of probation. Some suggestions for improvement in the Federal Probation Service are made. The creation of a Youth Correction Division within the Federal Board of Parole was authorized by a law enacted in 1950 which provided for an alternative method of treating offenders under the age of twenty-two years. The operation of the new Act has not yet begun.

J. C. S.

PIERRE CANNAT: 'Impressions of Correctional Practices in the United States', *Federal Probation*, 1952, **16**, 40-3.

The Controller General for Penitentiary Services for France gives some impressions of his visit in 1949. He comments on the absence of any such thing as 'an American system', though he points to a general similarity of the methods employed. The trend in prison architecture is the 'telephone pole' plan by comparison with the radial-wing pattern in Europe. He admires the excellence of equipment and the liberal treatment of the prisoners, but he emphasizes the absence of personal contacts in primary groups which are considered essential in European prisons. County jails appeared much less satisfactory, and there was too little concern about the effects of fraternization among inmates. Classification procedures often tended to give too much thought to security and too little to the personality of the individual prisoner.

J. C. S.

#### PSYCHOLOGY AND PSYCHIATRY

J. SCHRÖDER: 'Zur Psychologie der Delikte gegen das Leben', *Schweizer Archiv für Neurologie und Psychiatrie*, 1952, **69**<sup>1-2</sup>, 287-320. (Fifty-nine references.)

W. R. B.

E. M. ROBARDS: 'The Problem of the Constitutional Psychopath with Criminal Tendencies and the Necessity of More Flexible Laws Governing Expert Testimony in Such Cases', *New Orleans Medical and Surgical Journal*, (May) 1952, **104**, 460-3.

The psychiatrist called as an expert witness should be allowed to amplify his answers to questions when he considers the accused to be a criminal psychopath with homicidal and sex maniacal tendencies. Individuals committing crimes as a result of personality defects need institutional treatment for mental illness rather than punishment. Amendments to the present law governing expert testimony



in determining sanity or insanity in criminal cases are suggested, and methods of closer liaison among mental hygiene clinics and state hospitals are recommended.

W. R. B.

- A. B. STOKES: 'Medical and Legal Concepts of Criminal Responsibility. The Social Process of Co-operation between Psychiatry and the Law in One Community', *American Journal of Psychiatry*, (June) 1952, **108**, 915-7. (Three case-reports; 3 references.)

The medical and legal attitudes towards criminal responsibility are often at variance, but these case-reports from Toronto, Canada, are indicative of progress in the social process of co-operation between law and psychiatry. Insofar as the professional relationships occur, each has much to learn about the other. 'Even within the present contrasting-frameworks, the one traditional, the other radical, an accord and an effective working relationship can be achieved.'

W. R. B.

### CRIMINAL LAW AND PROCEDURE

- J. C. ARNOLD: 'The Royal Commission on Capital Punishment', *The Solicitor*, (February) 1952, **19**, 42-4.

This short article concludes the summaries of the evidence given before the Royal Commission, which have been appearing in a convenient form in this journal. It contains an account of the evidence given on behalf of the British Medical Association.

- HERBERT WECHSLER: 'The Challenge of a Modern Penal Code', *Harvard Law Review*, (May) 1952, **65**, 1097-133.

For almost twenty years the American Law Institute's agenda of unfinished business have included a proposal to prepare a model penal code. The project was renewed in 1951, with the support of an Advisory Committee drawn from the law and other disciplines concerned with social aspects of behaviour. The Rockefeller Foundation has now granted funds which will permit the undertaking to proceed. The purpose of this article is to describe the bases and the scope of the work planned, and to draw attention to the need for fundamental re-examination of the penal law in the light of modern criticism.

- HENRY WEIHOFFEN: 'Hospitalizing the Mentally Ill', *Michigan Law Review*, (April) 1952, **50**, 837-72.

This is an article examining from the legal and medical angles the problem of hospitalizing the mentally ill in the United States. As the author explains, 'it is hard for lawyers and doctors to see eye to eye on the fundamental problem of how to eliminate needless legalistic formality in hospitalization procedures and at the same time maintain adequate legal safeguards against error and abuse'. The author endeavours to show lawyers and psychiatrists 'the essential soundness of the other's position', and as such what he has to say should be of interest to readers in the United Kingdom, not only in its bearing upon the specific problem but also in its recognition of the need to establish common ground and in its praiseworthy effort to establish it.

ALBERT J. HARNO: 'Some Significant Developments in Criminal Law and Procedure in the Last Century', *Journal of Criminal Law, Criminology, and Police Science*, (November-December) 1951, **42**, 427-67.

The Dean of the College of Law, University of Illinois, attempts to indicate in this article some of the important trends and developments in criminal law and procedure during the last century. The article ranges far and wide, and it is not possible here to give anything like a complete summary. Of particular interest to readers of this *Journal* will be the comments on the impact of scientific research upon criminal law reform, and the discussion of topics such as the law relating to mental disease and reforms in the treatment of offenders. The general observations which Dean Harno makes are among the most telling. He does not consider that there have been any epochal events in the criminal law during the last century, but points out that this is not to say that the period has been sterile of change. 'The criminal law to-day is less an abstraction than formerly, and more an instrumentality for dealing with human beings and human problems.' There has been a change of climate rather than of physical features. 'Progress has been made toward the simplification and liberalization of criminal procedure, in the understanding of human beings and their behaviour which has softened the harshness of the law, and in the acceptance of the findings of research.' He concludes with this eloquent judgment: 'We are passing from a long era of *a priori* assumptions in the criminal law to one in which the premises of the law are founded in research. The transition is gradual and is accompanied with great travail, but its direction is unmistakable.'

E. H. W.

## CONTRIBUTORS TO THIS NUMBER

LIONEL WRAY FOX, C.B., M.C., has since 1942 been Chairman of the Prison Commission for England and Wales. From 1946 to 1951 he was a Vice-President of the International Penal and Penitentiary Commission, and since then has been President of the United Nations European Consultative Group in Penal and Penitentiary Affairs. Publications include 'The Modern English Prison' (Routledge, 1935); 'The English Prison and Borstal Systems' (Routledge, 1952).

NORMAN FENTON, Ph.D., is Deputy Director in charge of Classification and Treatment of the Department of Corrections of the State of California. He is a B.S. and A.M. of Harvard University and a Ph.D. of Stanford University (1925). From 1928 to 1940 he was Director of the Californian Bureau of Juvenile Research, from 1940 to 1944 Professor of Education at Stanford University. Publications include 'Mental Hygiene in School Practice', 'The Delinquent Boy and the Correctional School' and 'State Child Guidance Services in California Communities'. Co-author of the 'Handbook on Classification' of the American Prison Association; formerly editor of the *Journal of Juvenile Research*. Vice-President of the American Prison Association and Chairman of its Committee on Classification and Casework.

ARTHUR STEINBERG, Ph.D., is Assistant Chief Clinical Psychologist, Veterans Administration Mental Hygiene Unit, Boston, Massachusetts. Author of 'The Relation of Vocational Preference to Emotional Adjustment', *Educ. psychol. Measmt.*, 1952, **12**, 96-104.

JOSEPH J. MICHAELS, B.S., M.D., is on the faculty of the Boston Psychoanalytic Society and Institute Inc. and instructor in psychiatry at the Harvard Medical School. He is also Visiting Psychiatrist at the Beth Israel Hospital and Consultant to the Mental Hygiene Clinic, V.A. His many publications include a series of thirteen papers on the relationship of persistent enuresis, juvenile delinquency and psychopathic personality.